

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1472

Introduced by Senator Figueroa

February 23, 2006

An act to amend Sections 1601.1, 1616.5, and 1742 of the Business and Professions Code, relating to dentistry. An act to amend Sections 101, 205, 1621, 1670.1, 1680, 1721, 1725, 1741, 1770, 1771, 4999.2, and 4999.7 of, to add Article 9 (commencing with Section 1900) to Chapter 4 of Division 2 of, and to repeal Sections 1760, 1760.5, 1761, 1762, 1763, 1764, 1765, 1766, 1768, 1769, 1772, 1774, and 1775 of, the Business and Professions Code, to amend Section 44876 of the Education Code, to amend Sections 1348.8 and 128160 of the Health and Safety Code, and to amend Section 14132 of the Welfare and Institutions Code, relating to healing arts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1472, as amended, Figueroa. ~~Dentistry: Dental Board of California and Committee on Dental Auxiliaries. Dental hygienists.~~

Existing law, the Dental Practice Act, provides for the licensure and regulation of dental auxiliaries. Under that act, dental auxiliaries are defined as including, among others, dental assistants, registered dental hygienists, registered dental hygienists in extended functions, and registered dental hygienists in alternative practice. The act makes the Committee on Dental Auxiliaries responsible for licensing those who practice as a dental auxiliary and makes the Dental Board of California responsible for all disciplinary actions against a dental auxiliary and for approving all of their continuing education requirements. Under the act, fees collected in connection with the

practice of a dental auxiliary are deposited into the State Dental Auxiliary Fund, in the Professions and Vocations Fund, which is continuously appropriated.

This bill would create the California Dental Hygiene Bureau in the Department of Consumer Affairs, and would establish specific criteria for licensure by the bureau of a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended practice. The bill would set forth the bureau's functions, including issuing, reviewing, and revoking licenses, developing and administering examinations, and determining fees and education programs and continuing education requirements for a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions.

This bill would create the State Dental Hygiene Fund in the Professions and Vocations Fund and would require that fees paid by licensees and certain fines be deposited into the fund. The bill would continuously appropriate certain moneys in the fund to the bureau to carry out the purposes of the bill. The bill would require a transfer of a specified amount into the fund from the State Dental Auxiliary Fund.

This bill would specify acts that would constitute unprofessional conduct, and would also specify acts that would constitute crimes.

Because a violation of certain provisions of the bill would be a crime, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for the licensure and regulation of the practice of dentistry by the Dental Board of California, and authorizes the board to appoint an executive officer. Existing law also establishes the Committee on Dental Auxiliaries within the jurisdiction of the board. The provisions establishing the board, authorizing the board to appoint an executive officer, and establishing the committee are inoperative as of July 1, 2008, and are repealed as of January 1, 2009.~~

~~This bill would instead make these provisions inoperative and would repeal them on unspecified dates.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 **SECTION 1. Section 101 of the Business and Professions**
2 *Code is amended to read:*
3 101. The department is comprised of:
4 (a) The Dental Board of California.
5 (b) The Medical Board of California.
6 (c) The State Board of Optometry.
7 (d) The California State Board of Pharmacy.
8 (e) The Veterinary Medical Board.
9 (f) The California Board of Accountancy.
10 (g) The California Architects Board.
11 (h) The Bureau of Barbering and Cosmetology.
12 (i) The Board for Professional Engineers and Land Surveyors.
13 (j) The Contractors' State License Board.
14 (k) The Bureau for Private Postsecondary and Vocational
15 Education.
16 (l) The Structural Pest Control Board.
17 (m) The Bureau of Home Furnishings and Thermal Insulation.
18 (n) The Board of Registered Nursing.
19 (o) The Board of Behavioral Sciences.
20 (p) The State Athletic Commission.
21 (q) The Cemetery and Funeral Bureau.
22 (r) The State Board of Guide Dogs for the Blind.
23 (s) The Bureau of Security and Investigative Services.
24 (t) The Court Reporters Board of California.
25 (u) The Board of Vocational Nursing and Psychiatric
26 Technicians.
27 (v) The Landscape Architects Technical Committee.
28 (w) The Bureau of Electronic and Appliance Repair.
29 (x) The Division of Investigation.
30 (y) The Bureau of Automotive Repair.
31 (z) The State Board of Registration for Geologists and
32 Geophysicists.
33 (aa) The Respiratory Care Board of California.
34 (ab) The Acupuncture Board.
35 (ac) The Board of Psychology.

- 1 (ad) The California Board of Podiatric Medicine.
- 2 (ae) The Physical Therapy Board of California.
- 3 (af) The Arbitration Review Program.
- 4 (ag) The Committee on Dental Auxiliaries.
- 5 (ah) The Hearing Aid Dispensers Bureau.
- 6 (ai) The Physician Assistant Committee.
- 7 (aj) The Speech-Language Pathology and Audiology Board.
- 8 (ak) The California Board of Occupational Therapy.
- 9 (al) The Osteopathic Medical Board of California.
- 10 (am) The Bureau of Naturopathic Medicine.
- 11 (an) *The California Dental Hygiene Bureau.* ~~Any~~
- 12 (ao) *Any* other boards, offices, or officers subject to its
- 13 jurisdiction by law.
- 14 *SEC. 2. Section 205 of the Business and Professions Code is*
- 15 *amended to read:*
- 16 205. (a) There is in the State Treasury the Professions and
- 17 Vocations Fund. The fund shall consist of the following special
- 18 funds:
- 19 (1) Accountancy Fund.
- 20 (2) California Board of Architectural Examiners' Fund.
- 21 (3) Athletic Commission Fund.
- 22 (4) Barbering and Cosmetology Contingent Fund.
- 23 (5) Cemetery Fund.
- 24 (6) Contractors' License Fund.
- 25 (7) State Dentistry Fund.
- 26 (8) State Funeral Directors and Embalmers Fund.
- 27 (9) Guide Dogs for the Blind Fund.
- 28 (10) Bureau of Home Furnishings and Thermal Insulation
- 29 Fund.
- 30 (11) California Board of Architectural Examiners-Landscape
- 31 Architects Fund.
- 32 (12) Contingent Fund of the Medical Board of California.
- 33 (13) Optometry Fund.
- 34 (14) Pharmacy Board Contingent Fund.
- 35 (15) Physical Therapy Fund.
- 36 (16) Private Investigator Fund.
- 37 (17) Professional Engineers' and Land Surveyors' Fund.
- 38 (18) Consumer Affairs Fund.
- 39 (19) Behavioral Sciences Fund.
- 40 (20) Licensed Midwifery Fund.

- 1 (21) Court Reporters' Fund.
- 2 (22) Structural Pest Control Fund.
- 3 (23) Veterinary Medical Board Contingent Fund.
- 4 (24) Vocational Nurses Account of the Vocational Nursing
- 5 and Psychiatric Technicians Fund.
- 6 (25) State Dental Auxiliary Fund.
- 7 (26) Electronic and Appliance Repair Fund.
- 8 (27) Geology and Geophysics Fund.
- 9 (28) Dispensing Opticians Fund.
- 10 (29) Acupuncture Fund.
- 11 (30) Hearing Aid Dispensers Fund.
- 12 (31) Physician Assistant Fund.
- 13 (32) Board of Podiatric Medicine Fund.
- 14 (33) Psychology Fund.
- 15 (34) Respiratory Care Fund.
- 16 (35) Speech-Language Pathology and Audiology Fund.
- 17 (36) Board of Registered Nursing Fund.
- 18 (37) Psychiatric Technician Examiners Account of the
- 19 Vocational Nursing and Psychiatric Technicians Fund.
- 20 (38) Animal Health Technician Examining Committee Fund.
- 21 (39) Structural Pest Control Education and Enforcement Fund.
- 22 (40) Structural Pest Control Research Fund.
- 23 (41) *State Dental Hygiene Fund.*

24 (b) For accounting and recordkeeping purposes, the
25 Professions and Vocations Fund shall be deemed to be a single
26 special fund, and each of the several special funds therein shall
27 constitute and be deemed to be a separate account in the
28 Professions and Vocations Fund. Each account or fund shall be
29 available for expenditure only for the purposes as are now or may
30 hereafter be provided by law.

31 *SEC. 3 Section 1621 of the Business and Professions Code is*
32 *amended to read:*

33 1621. The board shall utilize in the administration of its
34 licensure examinations only examiners whom it has appointed
35 and who meet the following criteria:

36 (a) Possession of a valid license to practice dentistry in this
37 state or possession of a valid license in one of the following
38 ~~dental auxiliary~~ categories: registered dental assistant, registered
39 dental assistant in extended functions, registered dental hygienist,

1 registered dental hygienist in extended functions, or registered
2 dental hygienist in alternative practice.

3 (b) Practice as a licensed dentist or in a ~~dental auxiliary~~
4 licensure category *described in subdivision (a)* for at least five
5 years preceding his or her appointment.

6 (c) Hold no position as an officer or faculty member at any
7 college, school, or institution that provides dental instruction in
8 the same licensure category as that held by the examiner.

9 *SEC. 4. Section 1670.1 of the Business and Professions Code*
10 *is amended to read:*

11 1670.1. (a) Any licentiate under this chapter may have his or
12 her license revoked or suspended or be reprimanded or be placed
13 on probation by the board for conviction of a crime substantially
14 related to the qualifications, functions, or duties of a dentist ~~or,~~
15 dental auxiliary, *or dental hygienist*, in which case the record of
16 conviction or a certified copy thereof, certified by the clerk of the
17 court or by the judge in whose court the conviction is had, shall
18 be conclusive evidence.

19 (b) The board shall undertake proceedings under this section
20 upon the receipt of a certified copy of the record of conviction. A
21 plea or verdict of guilty or a conviction following a plea of nolo
22 contendere made to a charge of a felony or of any misdemeanor
23 substantially related to the qualifications, functions, or duties of a
24 dentist ~~or,~~ dental auxiliary, *or dental hygienist* is deemed to be a
25 conviction within the meaning of this section. The board may
26 order the license suspended or revoked, or may decline to issue a
27 license, when the time for appeal has elapsed, or the judgment of
28 conviction has been affirmed on appeal or when an order
29 granting probation is made suspending the imposition of
30 sentence, irrespective of a subsequent order under any provision
31 of the Penal Code, including, but not limited to, Section 1203.4
32 of the Penal Code, allowing ~~such~~ *the* person to withdraw his or
33 her plea of guilty and to enter a plea of not guilty, or setting aside
34 the verdict of guilty, or dismissing the accusation, information, or
35 indictment.

36 *SEC. 5. Section 1680 of the Business and Professions Code is*
37 *amended to read:*

38 1680. Unprofessional conduct by a person licensed under this
39 chapter is defined as, but is not limited to, any one of the
40 following:

1 (a) The obtaining of any fee by fraud or misrepresentation.

2 (b) The employment directly or indirectly of any student or
3 suspended or unlicensed dentist to practice dentistry as defined in
4 this chapter.

5 (c) The aiding or abetting of any unlicensed person to practice
6 dentistry.

7 (d) The aiding or abetting of a licensed person to practice
8 dentistry unlawfully.

9 (e) The committing of any act or acts of sexual abuse,
10 misconduct, or relations with a patient that are substantially
11 related to the practice of dentistry.

12 (f) The use of any false, assumed, or fictitious name, either as
13 an individual, firm, corporation, or otherwise, or any name other
14 than the name under which he or she is licensed to practice, in
15 advertising or in any other manner indicating that he or she is
16 practicing or will practice dentistry, except that name as is
17 specified in a valid permit issued pursuant to Section 1701.5.

18 (g) The practice of accepting or receiving any commission or
19 the rebating in any form or manner of fees for professional
20 services, radiograms, prescriptions, or other services or articles
21 supplied to patients.

22 (h) The making use by the licensee or any agent of the licensee
23 of any advertising statements of a character tending to deceive or
24 mislead the public.

25 (i) The advertising of either professional superiority or the
26 advertising of performance of professional services in a superior
27 manner. This subdivision shall not prohibit advertising permitted
28 by subdivision (h) of Section 651.

29 (j) The employing or the making use of solicitors.

30 (k) The advertising in violation of Section 651.

31 (l) The advertising to guarantee any dental service, or to
32 perform any dental operation painlessly. This subdivision shall
33 not prohibit advertising permitted by Section 651.

34 (m) The violation of any of the provisions of law regulating
35 the procurement, dispensing, or administration of dangerous
36 drugs, as defined in ~~Article 7 Chapter 9~~ (commencing with
37 ~~Section 4211~~ of ~~Chapter 9 4000~~), or controlled substances, as
38 defined in Division 10 (commencing with Section 11000) of the
39 Health and Safety Code.

40 (n) The violation of any of the provisions of this division.

1 (o) The permitting of any person to operate dental
2 radiographic equipment who has not met the requirements of
3 Section 1656.

4 (p) The clearly excessive prescribing or administering of drugs
5 or treatment, or the clearly excessive use of diagnostic
6 procedures, or the clearly excessive use of diagnostic or
7 treatment facilities, as determined by the customary practice and
8 standards of the dental profession.

9 Any person who violates this subdivision is guilty of a
10 misdemeanor and shall be punished by a fine of not less than one
11 hundred dollars (\$100) or more than six hundred dollars (\$600),
12 or by imprisonment for a term of not less than 60 days or more
13 than 180 days, or by both a fine and imprisonment.

14 (q) The use of threats or harassment against any patient or
15 licensee for providing evidence in any possible or actual
16 disciplinary action, or other legal action; or the discharge of an
17 employee primarily based on the employee's attempt to comply
18 with the provisions of this chapter or to aid in the compliance.

19 (r) Suspension or revocation of a license issued, or discipline
20 imposed, by another state or territory on grounds which would be
21 the basis of discipline in this state.

22 (s) The alteration of a patient's record with intent to deceive.

23 (t) Unsanitary or unsafe office conditions, as determined by
24 the customary practice and standards of the dental profession.

25 (u) The abandonment of the patient by the licensee, without
26 written notice to the patient that treatment is to be discontinued
27 and before the patient has ample opportunity to secure the
28 services of another dentist *or dental hygienist* and provided the
29 health of the patient is not jeopardized.

30 (v) The willful misrepresentation of facts relating to a
31 disciplinary action to the patients of a disciplined licensee.

32 (w) Use of fraud in the procurement of any license issued
33 pursuant to this chapter.

34 (x) Any action or conduct ~~which~~ *that* would have warranted
35 the denial of the license.

36 (y) The aiding or abetting of a licensed dentist ~~or~~, dental
37 auxiliary, *or dental hygienist* to practice dentistry in a negligent
38 or incompetent manner.

39 (z) The failure to report to the board in writing within seven
40 days any of the following: (1) the death of his or her patient

1 during the performance of any dental *or dental hygiene*
2 procedure; (2) the discovery of the death of a patient whose death
3 is related to a dental *or dental hygiene* procedure performed by
4 him or her; or (3) except for a scheduled hospitalization, the
5 removal to a hospital or emergency center for medical treatment
6 for a period exceeding 24 hours of any patient to whom oral
7 conscious sedation, conscious sedation, or general anesthesia was
8 administered, or any patient as a result of dental *or dental*
9 *hygiene* treatment. With the exception of patients to whom oral
10 conscious sedation, conscious sedation, or general anesthesia was
11 administered, removal to a hospital or emergency center that is
12 the normal or expected treatment for the underlying dental
13 condition is not required to be reported. Upon receipt of a report
14 pursuant to this subdivision the board may conduct an inspection
15 of the dental office if the board finds that it is necessary.

16 (aa) Participating in or operating any group advertising and
17 referral services that are in violation of Section 650.2.

18 (bb) The failure to use a fail-safe machine with an appropriate
19 exhaust system in the administration of nitrous oxide. The board
20 shall, by regulation, define what constitutes a fail-safe machine.

21 (cc) Engaging in the practice of dentistry *or dental hygiene*
22 with an expired license.

23 (dd) Except for good cause, the knowing failure to protect
24 patients by failing to follow infection control guidelines of the
25 board, thereby risking transmission of blood-borne infectious
26 diseases from dentist-~~or~~, dental auxiliary, *or dental hygienist* to
27 patient, from patient to patient, and from patient to dentist-~~or~~,
28 dental auxiliary, *or dental hygienist*. In administering this
29 subdivision, the board shall consider referencing the standards,
30 regulations, and guidelines of the State Department of Health
31 Services developed pursuant to Section 1250.11 of the Health
32 and Safety Code and the standards, guidelines, and regulations
33 pursuant to the California Occupational Safety and Health Act of
34 1973 (Part 1 (commencing with Section 6300); *of Division 5; of*
35 *the Labor Code*) for preventing the transmission of HIV, hepatitis
36 B, and other blood-borne pathogens in health care settings. As
37 necessary, the board shall consult with the Medical Board of
38 California, the *California* Board of Podiatric Medicine, the Board
39 of Registered Nursing, and the Board of Vocational Nursing and

1 Psychiatric Technicians, to encourage appropriate consistency in
2 the implementation of this subdivision.

3 The board shall seek to ensure that licensees and others
4 regulated by the board are informed of the responsibility of
5 licensees and others to follow infection control guidelines, and of
6 the most recent scientifically recognized safeguards for
7 minimizing the risk of transmission of blood-borne infectious
8 diseases.

9 (ee) The utilization by a licensed dentist of any person to
10 perform the functions of a registered dental assistant, registered
11 dental assistant in extended functions, registered dental hygienist,
12 or registered dental hygienist in extended functions who, at the
13 time of initial employment, does not possess a current, valid
14 license to perform those functions.

15 (ff) The prescribing, dispensing, or furnishing of dangerous
16 drugs or devices, as defined in Section 4022, in violation of
17 Section 2242.1.

18 *SEC. 6. Section 1721 of the Business and Professions Code is*
19 *amended to read:*

20 1721. Except as provided in ~~Section~~ Sections 1721.5 and
21 1945, all funds received by the State Treasurer under the
22 authority of this chapter shall be placed in the State Dentistry
23 Fund. Except as provided in ~~Section~~ Sections 1721.5 and 1945,
24 all disbursements by the board made in the transaction of its
25 business and in the enforcement of this chapter shall be paid out
26 of the fund upon claims against the state.

27 *SEC. 7. Section 1725 of the Business and Professions Code is*
28 *amended to read:*

29 1725. The amount of the fees prescribed by this chapter that
30 relate to the licensing of dental auxiliaries shall be established by
31 board resolution and subject to the following limitations:

32 (a) The application fee for an original license shall not exceed
33 twenty dollars (\$20).

34 (b) The fee for examination for licensure as a registered dental
35 assistant shall not exceed fifty dollars (\$50) for the written
36 examination and shall not exceed sixty dollars (\$60) for the
37 practical examination. On and after January 1, 2008, the
38 application fee and the fee for issuance of a license as a
39 registered orthodontic assistant, registered surgery assistant,

1 registered restorative assistant, or registered dental assistant shall
2 not exceed fifty dollars (\$50).

3 (c) The fee for examination for licensure as a registered dental
4 assistant in extended functions or a registered restorative
5 assistant in extended functions shall not exceed two hundred fifty
6 dollars (\$250).

7 ~~(d) The fee for examination for licensure as a registered dental~~
8 ~~hygienist shall not exceed two hundred twenty dollars (\$220).~~

9 ~~(e) For third- and fourth-year dental students, the fee for~~
10 ~~examination for licensure as a registered dental hygienist shall~~
11 ~~not exceed the actual cost of the examination.~~

12 ~~(f) The fee for examination for licensure as a registered dental~~
13 ~~hygienist in extended functions shall not exceed two hundred~~
14 ~~fifty dollars (\$250).~~

15 ~~(g) The board shall establish the fee at an amount not to~~
16 ~~exceed the actual cost for licensure as a registered dental~~
17 ~~hygienist in alternative practice.~~

18 ~~(h)~~ The biennial renewal fee for a dental auxiliary whose
19 license expires on or after January 1, 1991, shall not exceed sixty
20 dollars (\$60). On or after January 1, 1992, the board may set the
21 renewal fee in an amount not to exceed eighty dollars (\$80).

22 ~~(i)~~
23 (e) The delinquency fee shall not exceed twenty-five dollars
24 (\$25) or one-half of the renewal fee, whichever is greater. Any
25 delinquent license may be restored only upon payment of all fees,
26 including the delinquency fee.

27 ~~(j)~~
28 (f) The fee for issuance of a duplicate registration, license, or
29 certificate to replace one that is lost or destroyed, or in the event
30 of a name change, shall not exceed twenty-five dollars (\$25).

31 ~~(k)~~
32 (g) The fee for each curriculum review and site evaluation for
33 educational programs for registered dental assistants ~~which that~~
34 are not accredited by a board-approved agency, the Council for
35 Private Postsecondary and Vocational Education, or the
36 Chancellor's office of the California Community Colleges shall
37 not exceed one thousand four hundred dollars (\$1,400).

38 ~~(l)~~
39 (h) The fee for each review of radiation safety courses or
40 specialty registration courses that are not accredited by a

1 board-approved agency, the Council for Private Postsecondary
2 and Vocational Education, or the Chancellor's office of the
3 California Community Colleges shall not exceed three hundred
4 dollars (\$300).

5 ~~(m)~~

6 (i) No fees or charges other than those listed in subdivisions
7 (a) through ~~(k)~~ (g) above shall be levied by the board in
8 connection with the licensure of dental auxiliaries, registered
9 dental assistants educational program site evaluations and
10 radiation safety course evaluations pursuant to this chapter.

11 ~~(n)~~

12 (j) Fees fixed by the board pursuant to this section shall not be
13 subject to the approval of the Office of Administrative Law.

14 ~~(o)~~

15 (k) Fees collected pursuant to this section shall be deposited in
16 the State Dental Auxiliary Fund.

17 *SEC. 8. Section 1741 of the Business and Professions Code is*
18 *amended to read:*

19 1741. As used in this article:

20 (a) "Board" means the Dental Board of California.

21 (b) "Committee" means the Committee on Dental Auxiliaries.

22 (c) "Direct supervision" means supervision of dental
23 procedures based on instructions given by a licensed dentist, who
24 must be physically present in the treatment facility during the
25 performance of those procedures.

26 (d) "General supervision" means supervision of dental
27 procedures based on instructions given by a licensed dentist but
28 not requiring the physical presence of the supervising dentist
29 during the performance of those procedures.

30 (e) "Dental auxiliary" means a person who may perform
31 dental assisting ~~or dental hygiene procedures~~ authorized by this
32 article.

33 *SEC. 9. Section 1760 of the Business and Professions Code is*
34 *repealed.*

35 ~~1760. The following functions may be performed by a~~
36 ~~registered dental hygienist in addition to those authorized~~
37 ~~pursuant to Sections 1760.5, 1761, 1762, 1763, and 1764:~~

38 ~~(a) All functions that may be performed by a dental assistant~~
39 ~~or a registered dental assistant.~~

~~(b) All persons holding a license as a registered dental hygienist on January 1, 2003, or issued a license on or before December 31, 2005, are authorized to perform the duties of a registered dental assistant specified in Section 1754. All persons issued a license as a registered dental hygienist on and after January 1, 2006, shall qualify for and receive a registered dental assistant license prior to performance of the duties specified in Section 1754.~~

SEC. 10. Section 1760.5 of the Business and Professions Code is repealed.

~~1760.5. (a) The practice of dental hygiene includes dental hygiene assessment, development, planning, and implementation of a dental hygiene care plan. It also includes oral health education, counseling, and health screenings.~~

~~(b) The practice of dental hygiene does not include any of the following procedures:~~

~~(1) Diagnosis and comprehensive treatment planning.~~

~~(2) Placing, condensing, carving, or removal of permanent restorations.~~

~~(3) Surgery or cutting on hard and soft tissue including, but not limited to, the removal of teeth and the cutting and suturing of soft tissue.~~

~~(4) Prescribing medication.~~

~~(5) Administering local or general anesthesia or oral or parenteral conscious sedation, except for the administration of nitrous oxide and oxygen, whether administered alone or in combination with each other, or local anesthesia pursuant to Section 1761.~~

SEC. 11. Section 1761 of the Business and Professions Code is repealed.

~~1761. A dental hygienist is authorized to perform the following procedures under direct supervision, after submitting to the board evidence of satisfactory completion of a board-approved course of instruction in the procedures:~~

~~(a) Soft-tissue curettage.~~

~~(b) Administration of local anesthesia.~~

~~(c) Administration of nitrous oxide and oxygen, whether administered alone or in combination with each other.~~

SEC. 12. Section 1762 of the Business and Professions Code is repealed.

1 ~~1762.— A dental hygienist is authorized to perform the~~
2 ~~following procedures under general supervision:~~

3 ~~(a) Preventive and therapeutic interventions, including oral~~
4 ~~prophylaxis, sealing, and root planing.~~

5 ~~(b) Application of topical, therapeutic, and subgingival agents~~
6 ~~used for the control of caries and periodontal disease.~~

7 ~~(c) The taking of impressions for bleaching trays and~~
8 ~~application and activation of agents with nonlaser, light-curing~~
9 ~~devices.~~

10 ~~(d) The taking of impressions for bleaching trays and~~
11 ~~placements of in-office, tooth-whitening devices.~~

12 ~~SEC. 13. Section 1763 of the Business and Professions Code~~
13 ~~is repealed.~~

14 ~~1763.— (a) A dental hygienist may provide, without~~
15 ~~supervision, educational services, oral health training programs,~~
16 ~~and oral health screenings.~~

17 ~~(b) A dental hygienist shall refer any screened patients with~~
18 ~~possible oral abnormalities to a dentist for a comprehensive~~
19 ~~examination, diagnosis, and treatment plan.~~

20 ~~(c) In any public health program created by federal, state, or~~
21 ~~local law or administered by a federal, state, county, or local~~
22 ~~governmental entity, a dental hygienist may provide, without~~
23 ~~supervision, dental hygiene preventive services in addition to oral~~
24 ~~screenings, including, but not limited to, the application of~~
25 ~~fluorides and pit and fissure sealants.~~

26 ~~SEC. 14. Section 1764 of the Business and Professions Code~~
27 ~~is repealed.~~

28 ~~1764. (a) Any procedure performed or service provided by a~~
29 ~~dental hygienist that does not specifically require direct~~
30 ~~supervision shall require general supervision, so long as it does~~
31 ~~not give rise to a situation in the dentist's office requiring~~
32 ~~immediate services for alleviation of severe pain, or immediate~~
33 ~~diagnosis and treatment of unforeseeable dental conditions,~~
34 ~~which, if not immediately diagnosed and treated, would lead to~~
35 ~~serious disability or death.~~

36 ~~(b) Unless otherwise specified in this chapter, a dental~~
37 ~~hygienist may perform any procedure or provide any service~~
38 ~~within the scope of his or her practice in any setting, so long as~~
39 ~~the procedure is performed or the service is provided under the~~
40 ~~appropriate level of supervision required by this article.~~

1 ~~(e) A dental hygienist may use any material or device~~
2 ~~approved for use in the performance of a service or procedure~~
3 ~~within his or her scope of practice under the appropriate level of~~
4 ~~supervision, if the dental hygienist has the appropriate education~~
5 ~~and training required to use the material or device.~~

6 *SEC. 15. Section 1765 of the Business and Professions Code*
7 *is repealed.*

8 ~~1765. No person other than a licensed dental hygienist or a~~
9 ~~licensed dentist may engage in the practice of dental hygiene or~~
10 ~~perform dental hygiene procedures on patients, including, but not~~
11 ~~limited to, supragingival and subgingival sealing, dental hygiene~~
12 ~~assessment, and treatment planning, except for the following~~
13 ~~persons:~~

14 ~~(a) A student enrolled in a dental or a dental hygiene school~~
15 ~~who is performing procedures as part of the regular curriculum of~~
16 ~~that program under the supervision of the faculty of that program.~~

17 ~~(b) A dental assistant acting in accordance with the rules of the~~
18 ~~board in performing the following procedures:~~

19 ~~(1) Applying nonaerosol and noneaustic topical agents.~~

20 ~~(2) Applying topical fluoride.~~

21 ~~(3) Taking impression for bleaching trays.~~

22 ~~(c) A registered dental assistant acting in accordance with the~~
23 ~~rules of the board in performing the following procedures:~~

24 ~~(1) Polishing the coronal surfaces of teeth.~~

25 ~~(2) Applying bleaching agents.~~

26 ~~(3) Activating bleaching agents with a nonlaser light-curing~~
27 ~~device.~~

28 ~~(d) A registered dental assistant in extended functions acting~~
29 ~~in accordance with the rules of the board in applying pit and~~
30 ~~fissure sealants.~~

31 ~~(e) A registered dental hygienist licensed in another~~
32 ~~jurisdiction performing a clinical demonstration for educational~~
33 ~~purposes.~~

34 *SEC. 16. Section 1766 of the Business and Professions Code*
35 *is repealed.*

36 ~~1766. (a) The board shall license as a registered dental~~
37 ~~hygienist a person who satisfies all of the following~~
38 ~~requirements:~~

39 ~~(1) Completion of an educational program for registered dental~~
40 ~~hygienists, approved by the board, and accredited by the~~

~~Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution.~~

~~(2) Satisfactory performance on an examination required by the board.~~

~~(3) Satisfactory completion of a national written dental hygiene examination approved by the board.~~

~~(b) The board may grant a license as a registered dental hygienist to an applicant who has not taken an examination before the board, if the applicant submits all of the following to the board:~~

~~(1) A completed application form and all fees required by the board.~~

~~(2) Proof of a current license as a registered dental hygienist issued by another state that is not revoked, suspended, or otherwise restricted.~~

~~(3) Proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in an accredited dental hygiene education program for a minimum of 750 hours per year for at least five years preceding the date of his or her application under this section. The clinical practice requirement shall be deemed met if the applicant provides proof of at least three years of clinical practice and commits to completing the remaining two years of clinical practice by filing with the board a copy of a pending contract to practice dental hygiene in any of the following facilities:~~

~~(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.~~

~~(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.~~

~~(C) A clinic owned or operated by a public hospital or health system.~~

~~(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.~~

~~(4) Proof that the applicant has not been subject to disciplinary action by any state in which he or she is or has been previously licensed as a registered dental hygienist or dentist. If the applicant has been subject to disciplinary action, the board shall~~

1 review that action to determine if it warrants refusal to issue a
2 license to the applicant.

3 (5) ~~Proof of graduation from a school of dental hygiene~~
4 ~~accredited by the Commission on Dental Accreditation.~~

5 (6) ~~Proof of satisfactory completion of the Dental Hygiene~~
6 ~~National Board Examination and of a state or regional clinical~~
7 ~~licensure examination.~~

8 (7) ~~Proof that the applicant has not failed the examination for~~
9 ~~licensure to practice dental hygiene under this chapter more than~~
10 ~~once or once within five years prior to the date of his or her~~
11 ~~application for a license under this section.~~

12 (8) ~~Documentation of completion of a minimum of 25 units of~~
13 ~~continuing education earned in the two years preceding~~
14 ~~application, including completion of any continuing education~~
15 ~~requirements imposed by the board on registered dental~~
16 ~~hygienists licensed in this state at the time of application.~~

17 (9) ~~Any other information as specified by the board to the~~
18 ~~extent that it is required of applicants for licensure by~~
19 ~~examination under this article.~~

20 (c) ~~The board may periodically request verification of~~
21 ~~compliance with the requirements of paragraph (3) of subdivision~~
22 ~~(b), and may revoke the license upon a finding that the~~
23 ~~employment requirement or any other requirement of paragraph~~
24 ~~(3) has not been met.~~

25 (d) ~~The board shall provide in the application packet to each~~
26 ~~out-of-state dental hygienist pursuant to this section the~~
27 ~~following information:~~

28 (1) ~~The location of dental manpower shortage areas in the~~
29 ~~state.~~

30 (2) ~~Any not-for-profit clinics, public hospitals, and accredited~~
31 ~~dental hygiene education programs seeking to contract with~~
32 ~~licensees for dental hygiene service delivery or training purposes.~~

33 (e) ~~The board shall review the impact of this section on the~~
34 ~~availability of actively practicing dental hygienists in California~~
35 ~~and report to the appropriate policy and fiscal committees of the~~
36 ~~Legislature by January 1, 2006. The report shall include a~~
37 ~~separate section providing data specific to dental hygienists who~~
38 ~~intend to fulfill the alternative clinical practice requirements of~~
39 ~~subdivision (b). The report shall include, but not be limited to,~~
40 ~~the following:~~

~~(1) The number of applicants from other states who have sought licensure.~~

~~(2) The number of dental hygienists from other states licensed pursuant to this section, the number of licenses not granted under this section, and the reason why the license was not granted.~~

~~(3) The practice location of dental hygienists licensed pursuant to this section.~~

~~(4) The number of dental hygienists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing dental hygienists or no dental hygienists or in a safety net facility identified in paragraph (3) of subdivision (b).~~

~~(5) The length of time dental hygienists licensed pursuant to this section practiced in the reported location.~~

~~(f) In identifying a dental hygienist's location of practice, the board shall use medical service study areas or other appropriate geographic descriptions for regions of the state.~~

~~(g) (1) The board shall license as a registered dental hygienist a third- or fourth-year dental student who is in good standing at an accredited California dental school and who satisfies the following requirements:~~

~~(A) Satisfactorily performs on an examination required by the board.~~

~~(B) Satisfactorily completes a national written dental hygiene examination approved by the board.~~

~~(2) A dental student who is granted a registered dental hygienist license pursuant to this subdivision may only practice in a dental practice that serves patients who are insured under Denti-Cal, the Healthy Families Program, or other government programs, or a dental practice that has a sliding scale fee system based on income.~~

~~(3) Upon receipt of a license to practice dentistry pursuant to Section 1634, a registered dental hygiene license issued pursuant to this subdivision is automatically revoked.~~

~~(4) The dental hygiene license is granted for two years upon passage of the dental hygiene examination, without the ability for renewal.~~

~~(5) Notwithstanding paragraph (4), if a dental student fails to remain in good standing at an accredited California dental school, or fails to graduate from the dental program, a registered~~

1 dental hygiene license issued pursuant to this subdivision shall be
2 revoked. The student shall be responsible for submitting
3 appropriate verifying documentation to the board.

4 (6) The provisions of paragraphs (1) and (2) shall be reviewed
5 pursuant to Division 1.2 (commencing with Section 473).
6 However, the review shall be limited to the fiscal feasibility and
7 impact on the board.

8 (7) This subdivision is inoperative as of January 1, 2009.

9 *SEC. 17. Section 1768 of the Business and Professions Code*
10 *is repealed.*

11 1768. The board shall license as a registered dental hygienist
12 in extended functions a person who meets all of the following
13 requirements:

14 (a) Holds a valid license issued pursuant to Section 1766 as a
15 registered dental hygienist.

16 (b) Completes clinical training approved by the board in a
17 facility affiliated with a dental school under the direct
18 supervision of the dental school faculty.

19 (c) Performs satisfactorily on an examination required by the
20 board.

21 *SEC. 18. Section 1769 of the Business and Professions Code*
22 *is repealed.*

23 1769. The board, in consultation with the committee, shall
24 adopt regulations necessary to define the functions that may be
25 performed by registered dental hygienists in extended functions,
26 whether the functions require direct or general supervision, and
27 the settings within which registered dental hygienists in extended
28 functions may work.

29 *SEC. 19. Section 1770 of the Business and Professions Code,*
30 *as amended by Section 22 of Chapter 621 of the Statutes of 2005,*
31 *is amended to read:*

32 1770. (a) A licensed dentist may simultaneously utilize in his
33 or her practice no more than two dental auxiliaries in extended
34 functions *or dental hygienists in extended functions* licensed
35 pursuant to Sections 1756 and 1768 1918.

36 (b) This section shall become inoperative on December 31,
37 2007, and, as of January 1, 2008, is repealed, unless a later
38 enacted statute, that is enacted before January 1, 2008, deletes or
39 extends the dates on which it becomes inoperative and is
40 repealed.

1 *SEC. 20. Section 1770 of the Business and Professions Code,*
2 *as amended by Section 23 of Chapter 621 of the Statutes of 2005,*
3 *is amended to read:*

4 1770. (a) A licensed dentist may simultaneously utilize in his
5 or her practice no more than three dental auxiliaries in extended
6 functions *or dental hygienists in extended functions* licensed
7 pursuant to Sections 1753 and ~~1768~~ 1918.

8 (b) This section shall become operative on January 1, 2008.

9 *SEC. 21. Section 1771 of the Business and Professions Code*
10 *is amended to read:*

11 1771. Any person, other than a person who has been issued a
12 license by the board, who holds himself or herself out as a
13 registered dental assistant; *or* registered dental assistant in
14 extended functions; ~~registered dental hygienist, registered dental~~
15 ~~hygienist in extended functions, or registered dental hygienist in~~
16 ~~alternative practice~~, or uses any other term indicating or implying
17 he or she is licensed by the board in the aforementioned
18 categories, is guilty of a misdemeanor.

19 *SEC. 22. Section 1772 of the Business and Professions Code*
20 *is repealed.*

21 ~~1772. The board shall seek to obtain an injunction against any~~
22 ~~dental hygienist who provides services in alternative practice~~
23 ~~pursuant to Sections 1774 and 1775 if the board has reasonable~~
24 ~~cause to believe that the services are being provided to a patient~~
25 ~~who has not received a prescription for those services from a~~
26 ~~dentist or physician and surgeon licensed to practice in this state.~~

27 *SEC. 23. Section 1774 of the Business and Professions Code*
28 *is repealed.*

29 ~~1774. (a) The board shall license as a registered dental~~
30 ~~hygienist in alternative practice a person who demonstrates~~
31 ~~satisfactory performance on an examination required by the~~
32 ~~board and, subject to Sections 1760 and 1766, who meets either~~
33 ~~of the following requirements:~~

34 ~~(1) Holds a current California license as a dental hygienist and~~
35 ~~meets the following requirements:~~

36 ~~(A) Has been engaged in clinical practice as a dental hygienist~~
37 ~~for a minimum of 2,000 hours during the immediately preceding~~
38 ~~36 months.~~

39 ~~(B) Has successfully completed a bachelor's degree or its~~
40 ~~equivalent from a college or institution of higher education that is~~

1 ~~accredited by a national agency recognized by the Council on~~
2 ~~Postsecondary Accreditation or the United States Department of~~
3 ~~Education, and a minimum of 150 hours of additional~~
4 ~~educational requirements, as prescribed by the board by~~
5 ~~regulation, that are consistent with good dental and dental~~
6 ~~hygiene practice, including, but not necessarily limited to, dental~~
7 ~~hygiene technique and theory including gerontology and medical~~
8 ~~emergencies, and business administration and practice~~
9 ~~management.~~

10 (2) ~~Has received a letter of acceptance into the employment~~
11 ~~utilization phase of the Health Manpower Pilot Project No. 155~~
12 ~~established by the Office of Statewide Health Planning and~~
13 ~~Development pursuant to Article 1 (commencing with Section~~
14 ~~128125) of Chapter 3 of Part 3 of Division 107 of the Health and~~
15 ~~Safety Code.~~

16 (b) ~~Subject to the provisions of subdivisions (b) and (h) of~~
17 ~~Section 1775, the board, in consultation with the committee, shall~~
18 ~~adopt regulations in accordance with Section 1748 necessary to~~
19 ~~implement this section.~~

20 (c) ~~The Director of Consumer Affairs shall review the~~
21 ~~regulations adopted by the board in accordance with Section~~
22 ~~313.1.~~

23 (d) ~~A person licensed as a registered dental hygienist who has~~
24 ~~completed the prescribed classes through the Health Manpower~~
25 ~~Pilot Project (HMPP) and who has established an independent~~
26 ~~practice under the HMPP by June 30, 1997, shall be deemed to~~
27 ~~have satisfied the licensing requirements under Section 1774, and~~
28 ~~shall be authorized to continue to operate the practice he or she~~
29 ~~presently operates, so long as he or she follows the requirements~~
30 ~~for prescription and functions as specified in this section and~~
31 ~~Section 1775, with the exception of subdivision (e) of Section~~
32 ~~1775, and as long as he or she continues to personally practice~~
33 ~~and operate the practice or until he or she sells the practice to a~~
34 ~~licensed dentist.~~

35 *SEC. 24. Section 1775 of the Business and Professions Code*
36 *is repealed.*

37 1775. (a) ~~A registered dental hygienist in alternative practice~~
38 ~~may perform those preventive and therapeutic functions~~
39 ~~described in subdivision (a) of Section 1760, subdivision (a) of~~
40 ~~Section 1760.5, and subdivisions (a) and (b) of Section 1762 as~~

1 an employee of a dentist or of another registered dental hygienist
2 in alternative practice, or as an independent contractor, or as a
3 sole proprietor of an alternative dental hygiene practice, or as an
4 employee of a primary care clinic or specialty clinic that is
5 licensed pursuant to Section 1204 of the Health and Safety Code
6 or as an employee of a primary care clinic exempt from licensure
7 pursuant to subdivision (c) of Section 1206 of the Health and
8 Safety Code, or as an employee of a clinic owned or operated by
9 a public hospital or health system, or as an employee of a clinic
10 owned and operated by a hospital that maintains the primary
11 contract with a county government to fill the county's role under
12 Section 17000 of the Welfare and Institutions Code.

13 (b) A registered dental hygienist in alternative practice may
14 perform the dental hygiene services specified in subdivision (a)
15 in the following settings:

- 16 (1) Residences of the homebound.
- 17 (2) Schools.
- 18 (3) Residential facilities and other institutions.
- 19 (4) Dental health professional shortage areas, as certified by
20 the Office of Statewide Health Planning and Development in
21 accordance with existing office guidelines.

22 (c) A registered dental hygienist in alternative practice shall
23 not do any of the following:

- 24 (1) Infer, purport, advertise, or imply that he or she is in any
25 way able to provide dental services or make any type of dental
26 health diagnosis beyond those services specified in subdivision
27 (a).

28 (2) Hire a registered dental hygienist to provide direct patient
29 services other than a registered dental hygienist in alternative
30 practice.

31 (d) A registered dental hygienist in alternative practice may
32 submit or allow to be submitted any insurance or third-party
33 claims for patient services performed as authorized pursuant to
34 this article.

35 (e) A registered dental hygienist in alternative practice may
36 hire other registered dental hygienists in alternative practice to
37 assist in his or her practice.

38 (f) A registered dental hygienist in alternative practice may
39 hire and supervise dental assistants performing functions
40 specified in subdivision (b) of Section 1751.

1 ~~(g) A registered dental hygienist in alternative practice shall~~
2 ~~provide to the board documentation of an existing relationship~~
3 ~~with at least one dentist for referral, consultation, and emergency~~
4 ~~services.~~

5 ~~(h) A registered dental hygienist in alternative practice may~~
6 ~~perform dental hygiene services for a patient who presents to the~~
7 ~~registered hygienist in alternative practice a written prescription~~
8 ~~for dental hygiene services issued by a dentist or physician and~~
9 ~~surgeon licensed to practice in this state who has performed a~~
10 ~~physical examination and a diagnosis of the patient prior to the~~
11 ~~prescription being provided. The prescription shall be valid for a~~
12 ~~time period based on the dentist's or physician and surgeon's~~
13 ~~professional judgment, but not to exceed 15 months from the date~~
14 ~~that it was issued.~~

15 *SEC. 25. Article 9 (commencing with Section 1900) is added*
16 *to Chapter 4 of Division 2 of the Business and Professions Code,*
17 *to read:*

18
19 *Article 9. Dental Hygienists*
20

21 *1900. It is the intent of the Legislature by enactment of this*
22 *article to permit the full utilization of dental hygienists in order*
23 *to meet the dental care needs of all of the state's citizens.*

24 *1901. There is hereby created in the Department of*
25 *Consumer Affairs a California Dental Hygiene Bureau in which*
26 *the administration of this article is vested.*

27 *1902. For purposes of this article, the following definitions*
28 *apply:*

29 *(a) "Bureau" means the California Dental Hygiene Bureau.*

30 *(b) "Dental board" means the Dental Board of California.*

31 *(c) "Direct supervision" means the supervision of dental*
32 *procedures based on instructions given by a licensed dentist who*
33 *is required to be physically present in the treatment facility*
34 *during the performance of those procedures.*

35 *(d) "General supervision" means the supervision of dental*
36 *procedures based on instructions given by a licensed dentist who*
37 *is not required to be physically present in the treatment facility*
38 *during the performance of those procedures.*

39 *(e) "Oral prophylaxis" means preventive and therapeutic*
40 *dental procedures that include bacterial debridement with*

1 complete removal, supra and subgingivally, of calculus, soft
2 deposits, plaque, and stains, and the smoothing of tooth surfaces.
3 The objective of this treatment is to create an environment in
4 which the patient can maintain healthy hard and soft tissues.

5 1903. (a) (1) The bureau shall consist of nine members
6 appointed by the Governor. Four shall be public members, one
7 member shall be a licensed public health dentist, and four
8 members shall be registered dental hygienists. Of the registered
9 dental hygienists members, one shall be licensed either in
10 alternative practice or in extended functions, one shall be a
11 dental hygiene educator, and two shall be registered dental
12 hygienists holding a current, valid license to practice dental
13 hygiene. No public member shall have been licensed under this
14 chapter within five years of the date of his or her appointment to
15 the bureau or have any current financial interest in a
16 dental-related business.

17 (2) For purposes of this subdivision, a public health dentist is
18 a dentist whose primary employer or place of employment is in
19 any of the following:

20 (A) A primary care clinic licensed under subdivision (a) of
21 Section 1204 of the Health and Safety Code.

22 (B) A primary care clinic exempt from licensure pursuant to
23 subdivision (c) of Section 1206 of the Health and Safety Code.

24 (C) A clinic owned or operated by a public hospital or health
25 system.

26 (D) A clinic owned and operated by a hospital that maintains
27 the primary contract with a county government to fill the
28 county's role under Section 17000 of the Welfare and Institutions
29 Code.

30 (b) Except for the initial term, members of the bureau shall be
31 appointed for a term of four years. Of the initial appointments,
32 the terms shall expire as follows:

33 (1) The term of the licensed dentist member, one of the public
34 members, and one of the registered dental hygienists shall expire
35 on December 31, 2007.

36 (2) The term of a second public member, the other registered
37 dental hygienist, and the dental hygienist in alternative practice
38 or in extended functions shall expire on December 31, 2008.

39 (3) The term of the remaining members shall expire on
40 December 31, 2009.

1 (c) *The bureau shall annually elect one of its members as*
2 *president of the bureau.*

3 (d) *No person shall serve as a member of the bureau for more*
4 *than two consecutive terms.*

5 (e) *A vacancy in the bureau shall be filled by appointment to*
6 *the unexpired term.*

7 (f) *Each member of the bureau shall receive a per diem and*
8 *expenses as provided in Section 103.*

9 (g) *The Governor shall have the power to remove any member*
10 *from the bureau for neglect of a duty required by law or for*
11 *incompetence or for unprofessional or dishonorable conduct.*

12 1904. (a) *The bureau shall meet at least four times each*
13 *calendar year and shall conduct additional meetings in*
14 *appropriate locations that are necessary to transact its business.*

15 (b) *Special meetings may be held by the bureau at times and*
16 *locations designated by it.*

17 (c) *The bureau shall provide a minimum of two weeks' notice*
18 *of its meetings to those persons and organizations who have*
19 *expressed an interest in receiving this notification.*

20 1905. (a) *The bureau shall perform the following functions:*

21 (1) *Evaluating all registered dental hygienist, registered*
22 *dental hygienist in alternative practice, and registered dental*
23 *hygienist in extended functions educational programs that apply*
24 *for approval and granting or denying approval of those*
25 *applications in accordance with regulations adopted by the*
26 *bureau.*

27 (2) *Withdrawing or revoking its prior approval of a registered*
28 *dental hygienist, registered dental hygienist in alternative*
29 *practice, or registered dental hygienist in extended functions*
30 *educational program in accordance with regulations adopted by*
31 *the bureau.*

32 (3) *Reviewing and evaluating all registered dental hygienist,*
33 *registered dental hygienist in alternative practice, or registered*
34 *dental hygienist in extended functions applications for licensure*
35 *to ascertain whether the applicant meets the appropriate*
36 *licensing requirements specified by statute and bureau*
37 *regulations, maintaining application records, cashiering*
38 *application fees, issuing and renewing licenses, and performing*
39 *any other tasks that are incidental to the application and*
40 *licensure processes.*

1 (4) *Determining the appropriate type of license examination*
2 *consistent with the provisions of this article, and developing or*
3 *causing to be developed and administering examinations in*
4 *accordance with regulations adopted by the bureau.*

5 (5) *Determining the amount of fees assessed under this article.*

6 (6) *Determining and enforcing the continuing education*
7 *requirements specified in this article.*

8 (7) *Advising the dental board as to the appropriate standards*
9 *of conduct for a registered dental hygienist, a registered dental*
10 *hygienist in alternative practice, and a registered dental*
11 *hygienist in extended functions, the proper ordering of*
12 *enforcement priorities, and any other enforcement-related*
13 *matters.*

14 (8) *Adopting rules and regulations to implement the provisions*
15 *of this article, including the required amount of supervision by a*
16 *licensed dentist of a registered dental hygienist, registered dental*
17 *hygienist in alternative practice, and registered dental hygienist*
18 *in extended functions.*

19 (9) *Hiring an executive officer.*

20 (b) *The bureau may employ employees and examiners that it*
21 *deems necessary to carry out its functions and responsibilities*
22 *under this article.*

23 1906. (a) *All regulations adopted by the bureau shall comply*
24 *with the provisions of Chapter 3.5 (commencing with Section*
25 *11340) of Part 1 of Division 3 of Title 2 of the Government Code.*

26 (b) *No regulation adopted by the bureau shall impose a*
27 *requirement or a prohibition directly upon a licensed dentist or*
28 *on the administration of a dental office, unless specifically*
29 *authorized by this article.*

30 (c) *Unless contrary to the provisions of this article,*
31 *regulations adopted by the dental board shall continue to apply*
32 *to registered dental hygienists, registered dental hygienists in*
33 *alternative practice, and registered dental hygienists in extended*
34 *functions until other regulations are adopted by the bureau. All*
35 *references in those regulations to “board” shall mean the*
36 *California Dental Hygiene Bureau that shall solely enforce the*
37 *regulations with respect to registered dental hygienists,*
38 *registered dental hygienists in alternative practice, and*
39 *registered dental hygienists in extended functions.*

1 1907. *The following functions may be performed by a*
2 *registered dental hygienist in addition to those authorized*
3 *pursuant to Sections 1908 to 1914, inclusive:*

4 (a) *All functions that may be performed by a dental assistant*
5 *or a registered dental assistant.*

6 (b) *All persons holding a license as a registered dental*
7 *hygienist on January 1, 2003, or issued a license on or before*
8 *December 31, 2005, are authorized to perform the duties of a*
9 *registered dental assistant specified in Section 1754. All persons*
10 *issued a license as a registered dental hygienist on and after*
11 *January 1, 2006, shall qualify for and receive a registered dental*
12 *assistant license prior to performance of the duties specified in*
13 *Section 1754.*

14 1908. (a) *The practice of dental hygiene includes dental*
15 *hygiene assessment, development, planning, and implementation*
16 *of a dental hygiene care plan. It also includes oral health*
17 *education, counseling, and health screenings.*

18 (b) *The practice of dental hygiene does not include any of the*
19 *following procedures:*

20 (1) *Diagnosis and comprehensive treatment planning.*

21 (2) *Placing, condensing, carving, or removal of permanent*
22 *restorations.*

23 (3) *Surgery or cutting on hard and soft tissue including, but*
24 *not limited to, the removal of teeth and the cutting and suturing*
25 *of soft tissue.*

26 (4) *Prescribing medication.*

27 (5) *Administering local or general anesthesia or oral or*
28 *parenteral conscious sedation, except for the administration of*
29 *nitrous oxide and oxygen, whether administered alone or in*
30 *combination with each other, or local anesthesia pursuant to*
31 *Section 1909.*

32 1909. *A dental hygienist is authorized to perform the*
33 *following procedures under direct supervision, after submitting*
34 *to the bureau evidence of satisfactory completion of a*
35 *bureau-approved course of instruction in the procedures:*

36 (a) *Soft-tissue curettage.*

37 (b) *Administration of local anesthesia.*

38 (c) *Administration of nitrous oxide and oxygen, whether*
39 *administered alone or in combination with each other.*

1 1910. A dental hygienist is authorized to perform the
2 following procedures under general supervision:

3 (a) Preventive and therapeutic interventions, including oral
4 prophylaxis, scaling, and root planing.

5 (b) Application of topical, therapeutic, and subgingival agents
6 used for the control of caries and periodontal disease.

7 (c) The taking of impressions for bleaching trays and
8 application and activation of agents with nonlaser, light-curing
9 devices.

10 (d) The taking of impressions for bleaching trays and
11 placements of in-office, tooth-whitening devices.

12 1911. (a) A dental hygienist may provide, without
13 supervision, educational services, oral health training programs,
14 and oral health screenings.

15 (b) A dental hygienist shall refer any screened patients with
16 possible oral abnormalities to a dentist for a comprehensive
17 examination, diagnosis, and treatment plan.

18 (c) In any public health program created by federal, state, or
19 local law or administered by a federal, state, county, or local
20 governmental entity, a dental hygienist may provide, without
21 supervision, dental hygiene preventive services in addition to
22 oral screenings, including, but not limited to, the application of
23 fluorides and pit and fissure sealants.

24 1912. Any procedure performed or service provided by a
25 dental hygienist that does not specifically require direct
26 supervision shall require general supervision, so long as it does
27 not give rise to a situation in the dentist's office requiring
28 immediate services for alleviation of severe pain, or immediate
29 diagnosis and treatment of unforeseeable dental conditions that,
30 if not immediately diagnosed and treated, would lead to serious
31 disability or death.

32 1913. Unless otherwise specified in this chapter, a dental
33 hygienist may perform any procedure or provide any service
34 within the scope of his or her practice in any setting, so long as
35 the procedure is performed or the service is provided under the
36 appropriate level of supervision required by this article.

37 1914. A dental hygienist may use any material or device
38 approved for use in the performance of a service or procedure
39 within his or her scope of practice under the appropriate level of

1 supervision, if the dental hygienist has the appropriate education
2 and training required to use the material or device.

3 1915. No person other than a licensed dental hygienist or a
4 licensed dentist may engage in the practice of dental hygiene or
5 perform dental hygiene procedures on patients, including, but
6 not limited to, supragingival and subgingival scaling, dental
7 hygiene assessment, and treatment planning, except for the
8 following persons:

9 (a) A student enrolled in a dental or a dental hygiene school
10 who is performing procedures as part of the regular curriculum
11 of that program under the supervision of the faculty of that
12 program.

13 (b) A dental assistant acting in accordance with the rules of
14 the board in performing the following procedures:

15 (1) Applying nonaerosol and noncaustic topical agents.

16 (2) Applying topical fluoride.

17 (3) Taking impression for bleaching trays.

18 (c) A registered dental assistant acting in accordance with the
19 rules of the board in performing the following procedures:

20 (1) Polishing the coronal surfaces of teeth.

21 (2) Applying bleaching agents.

22 (3) Activating bleaching agents with a nonlaser light-curing
23 device.

24 (d) A registered dental assistant in extended functions acting
25 in accordance with the rules of the board in applying pit and
26 fissure sealants.

27 (e) A registered dental hygienist licensed in another
28 jurisdiction performing a clinical demonstration for educational
29 purposes.

30 1916. (a) The bureau shall license as a registered dental
31 hygienist a person who satisfies all of the following
32 requirements:

33 (1) Completion of an educational program for registered
34 dental hygienists, approved by the bureau, accredited by the
35 Commission on Dental Accreditation, and conducted by a
36 degree-granting, postsecondary institution.

37 (2) Satisfactory performance on an examination required by
38 the bureau.

39 (3) Satisfactory completion of a national written dental
40 hygiene examination approved by the bureau.

1 ***(b) The bureau may grant a license as a registered dental***
2 ***hygienist to an applicant who has not taken an examination***
3 ***before the bureau, if the applicant submits all of the following to***
4 ***the bureau:***

5 ***(1) A completed application form and all fees required by the***
6 ***bureau.***

7 ***(2) Proof of a current license as a registered dental hygienist***
8 ***issued by another state that is not revoked, suspended, or***
9 ***otherwise restricted.***

10 ***(3) Proof that the applicant has been in clinical practice as a***
11 ***registered dental hygienist or has been a full-time faculty***
12 ***member in an accredited dental hygiene education program for a***
13 ***minimum of 750 hours per year for at least five years preceding***
14 ***the date of his or her application under this section. The clinical***
15 ***practice requirement shall be deemed met if the applicant***
16 ***provides proof of at least three years of clinical practice and***
17 ***commits to completing the remaining two years of clinical***
18 ***practice by filing with the bureau a copy of a pending contract to***
19 ***practice dental hygiene in any of the following facilities:***

20 ***(A) A primary care clinic licensed under subdivision (a) of***
21 ***Section 1204 of the Health and Safety Code.***

22 ***(B) A primary care clinic exempt from licensure pursuant to***
23 ***subdivision (c) of Section 1206 of the Health and Safety Code.***

24 ***(C) A clinic owned or operated by a public hospital or health***
25 ***system.***

26 ***(D) A clinic owned and operated by a hospital that maintains***
27 ***the primary contract with a county government to fill the***
28 ***county's role under Section 17000 of the Welfare and Institutions***
29 ***Code.***

30 ***(4) Satisfactory performance on the California Law and Ethics***
31 ***examination and any examination that may be required by the***
32 ***bureau.***

33 ***(5) Proof that the applicant has not been subject to***
34 ***disciplinary action by any state in which he or she is or has been***
35 ***previously licensed as a registered dental hygienist or dentist. If***
36 ***the applicant has been subject to disciplinary action, the bureau***
37 ***shall review that action to determine if it warrants refusal to***
38 ***issue a license to the applicant.***

39 ***(6) Proof of graduation from a school of dental hygiene***
40 ***accredited by the Commission on Dental Accreditation.***

1 (7) *Proof of satisfactory completion of the Dental Hygiene*
2 *National Board Examination and of a state or regional clinical*
3 *licensure examination.*

4 (8) *Proof that the applicant has not failed the examination for*
5 *licensure to practice dental hygiene under this chapter more than*
6 *once or once within five years prior to the date of his or her*
7 *application for a license under this section.*

8 (9) *Documentation of completion of a minimum of 25 units of*
9 *continuing education earned in the two years preceding*
10 *application, including completion of any continuing education*
11 *requirements imposed by the bureau on registered dental*
12 *hygienists licensed in this state at the time of application.*

13 (10) *Any other information as specified by the bureau to the*
14 *extent that it is required of applicants for licensure by*
15 *examination under this article.*

16 (c) *The bureau may periodically request verification of*
17 *compliance with the requirements of paragraph (3) of*
18 *subdivision (b), and may revoke the license upon a finding that*
19 *the employment requirement or any other requirement of*
20 *paragraph (3) has not been met.*

21 (d) *The bureau shall provide in the application packet to each*
22 *out-of-state dental hygienist pursuant to this section the*
23 *following information:*

24 (1) *The location of dental manpower shortage areas in the*
25 *state.*

26 (2) *Any not-for-profit clinics, public hospitals, and accredited*
27 *dental hygiene education programs seeking to contract with*
28 *licensees for dental hygiene service delivery or training*
29 *purposes.*

30 (e) (1) *The bureau shall license as a registered dental*
31 *hygienist a third- or fourth-year dental student who is in good*
32 *standing at an accredited California dental school and who*
33 *satisfies the following requirements:*

34 (A) *Satisfactorily performs on an examination required by the*
35 *bureau.*

36 (B) *Satisfactorily completes a national written dental hygiene*
37 *examination approved by the bureau.*

38 (2) *A dental student who is granted a registered dental*
39 *hygienist license pursuant to this subdivision may only practice*
40 *in a dental practice that serves patients who are insured under*

1 *Denti-Cal, the Healthy Families Program, or other government*
2 *programs, or a dental practice that has a sliding scale fee system*
3 *based on income.*

4 (3) *Upon receipt of a license to practice dentistry pursuant to*
5 *Section 1634, a registered dental hygienist license issued*
6 *pursuant to this subdivision is automatically revoked.*

7 (4) *The dental hygienist license is granted for two years upon*
8 *passage of the dental hygiene examination, without the ability for*
9 *renewal.*

10 (5) *Notwithstanding paragraph (4), if a dental student fails to*
11 *remain in good standing at an accredited California dental*
12 *school, or fails to graduate from the dental program, a registered*
13 *dental hygienist license issued pursuant to this subdivision shall*
14 *be revoked. The student shall be responsible for submitting*
15 *appropriate verifying documentation to the bureau.*

16 (6) *The provisions of paragraphs (1) and (2) shall be reviewed*
17 *pursuant to Division 1.2 (commencing with Section 473).*
18 *However, the review shall be limited to the fiscal feasibility and*
19 *impact on the bureau.*

20 (7) *This subdivision is inoperative as of January 1, 2009.*

21 1917. (a) *The bureau shall review the impact of Section 1916*
22 *on the availability of actively practicing dental hygienists in*
23 *California and report to the appropriate policy and fiscal*
24 *committees of the Legislature by January 1, 2009. The report*
25 *shall include a separate section providing data specific to dental*
26 *hygienists who intend to fulfill the alternative clinical practice*
27 *requirements of subdivision (b) of Section 1916. The report shall*
28 *include, but not be limited to, the following:*

29 (1) *The number of applicants from other states who have*
30 *sought licensure.*

31 (2) *The number of dental hygienists from other states licensed*
32 *pursuant to Section 1916, the number of licenses not granted,*
33 *and the reason why the license was not granted.*

34 (3) *The practice location of dental hygienists licensed*
35 *pursuant to subdivision (b) of Section 1916.*

36 (4) *The number of dental hygienists licensed pursuant to*
37 *Section 1916 who establish a practice in a rural area or in an*
38 *area designated as having a shortage of practicing dental*
39 *hygienists or no dental hygienists or in a safety net facility*
40 *identified in paragraph (3) of subdivision (b) of Section 1916.*

1 (5) *The length of time dental hygienists licensed pursuant to*
2 *Section 1916 practiced in the reported location.*

3 (b) *In identifying a dental hygienist's location of practice, the*
4 *bureau shall use medical service study areas or other*
5 *appropriate geographic descriptions for regions of the state.*

6 1918. *The bureau shall license as a registered dental*
7 *hygienist in extended functions a person who meets all of the*
8 *following requirements:*

9 (a) *Holds a valid license issued pursuant to Section 1916 as a*
10 *registered dental hygienist.*

11 (b) *Completes clinical training approved by the bureau in a*
12 *facility affiliated with a dental school under the direct*
13 *supervision of the dental school faculty.*

14 (c) *Performs satisfactorily on an examination required by the*
15 *bureau.*

16 1919. *The bureau shall adopt regulations necessary to define*
17 *the functions that may be performed by registered dental*
18 *hygienists in extended functions, whether the functions require*
19 *direct or general supervision, and the settings within which*
20 *registered dental hygienists in extended functions may work.*

21 1920. (a) *A person who holds a current and active license as*
22 *a registered dental hygienist in extended functions on January 1,*
23 *2007, shall automatically be issued a license as a registered*
24 *dental hygienist, unless the person holds a current and active*
25 *registered dental hygienist license.*

26 (b) *A registered dental hygienist license issued pursuant to*
27 *this section shall expire on the same date as the person's prior*
28 *registered dental hygienist in extended functions license, and*
29 *shall be subject to the same renewal and other requirements*
30 *imposed by law or regulation on a license.*

31 1921. *The bureau shall seek to obtain an injunction against*
32 *any dental hygienist who provides services in alternative practice*
33 *pursuant to Sections 1922 to 1931, inclusive, if the bureau has*
34 *reasonable cause to believe that the services are being provided*
35 *to a patient who has not received a prescription for those*
36 *services from a dentist or physician and surgeon licensed to*
37 *practice in this state.*

38 1922. *The bureau shall license as a registered dental*
39 *hygienist in alternative practice a person who demonstrates*
40 *satisfactory performance on an examination required by the*

bureau and, subject to Sections 1907 and 1916, who meets either of the following requirements:

(a) Holds a current California license as a dental hygienist and meets the following requirements:

(1) Has been engaged in clinical practice as a dental hygienist for a minimum of 2,000 hours during the immediately preceding 36 months.

(2) Has successfully completed a bachelor's degree or its equivalent from a college or institution of higher education that is accredited by a national agency recognized by the Council on Postsecondary Accreditation or the United States Department of Education, and a minimum of 150 hours of additional educational requirements, as prescribed by the bureau by regulation, that are consistent with good dental and dental hygiene practice, including, but not necessarily limited to, dental hygiene technique and theory including gerontology and medical emergencies, and business administration and practice management.

(b) Has received a letter of acceptance into the employment utilization phase of the Health Manpower Pilot Project No. 155 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

1923. (a) Subject to the provisions of Sections 1926 and 1931, the bureau shall adopt regulations in accordance with Section 1906 necessary to implement Sections 1922 and 1924.

(b) The Director of Consumer Affairs shall review the regulations adopted by the bureau in accordance with Section 313.1.

1924. A person licensed as a registered dental hygienist who has completed the prescribed classes through the Health Manpower Pilot Project (HMPP) and who has established an independent practice under the HMPP by June 30, 1997, shall be deemed to have satisfied the licensing requirements under Section 1922, and shall be authorized to continue to operate the practice he or she presently operates, so long as he or she follows the requirements for prescription and functions as specified in Sections 1922, 1925, 1926, 1927, 1928, 1930, and 1931, and subdivision (b) of Section 1929, and as long as he or

1 *she continues to personally practice and operate the practice or*
2 *until he or she sells the practice to a licensed dentist.*

3 1925. (a) *A registered dental hygienist in alternative practice*
4 *may practice, pursuant to Sections 1922, 1923, and 1924, as an*
5 *employee of a dentist or of another registered dental hygienist in*
6 *alternative practice, or as an independent contractor, or as a*
7 *sole proprietor of an alternative dental hygiene practice, or as an*
8 *employee of a primary care clinic or specialty clinic that is*
9 *licensed pursuant to Section 1204 of the Health and Safety Code*
10 *or as an employee of a primary care clinic exempt from licensure*
11 *pursuant to subdivision (c) of Section 1206 of the Health and*
12 *Safety Code, or as an employee of a clinic owned or operated by*
13 *a public hospital or health system, or as an employee of a clinic*
14 *owned and operated by a hospital that maintains the primary*
15 *contract with a county government to fill the county's role under*
16 *Section 17000 of the Welfare and Institutions Code.*

17 1926. *A registered dental hygienist in alternative practice*
18 *may perform the duties authorized pursuant to Sections 1922,*
19 *1923, and 1924 in the following settings:*

20 (a) *Residences of the homebound.*

21 (b) *Schools.*

22 (c) *Residential facilities and other institutions.*

23 (d) *Dental health professional shortage areas, as certified by*
24 *the Office of Statewide Health Planning and Development in*
25 *accordance with existing office guidelines.*

26 1927. *A registered dental hygienist in alternative practice*
27 *shall not do any of the following:*

28 (a) *Infer, purport, advertise, or imply that he or she is in any*
29 *way able to provide dental services or make any type of dental*
30 *health diagnosis beyond evaluating a patient's dental hygiene*
31 *status, providing a dental hygiene treatment plan, and providing*
32 *the associated dental hygiene services.*

33 (b) *Hire a registered dental hygienist to provide direct patient*
34 *services other than a registered dental hygienist in alternative*
35 *practice.*

36 1928. *A registered dental hygienist in alternative practice*
37 *may submit or allow to be submitted any insurance or third-party*
38 *claims for patient services performed as authorized pursuant to*
39 *this article.*

1 1929. (a) A registered dental hygienist in alternative practice
2 may hire other registered dental hygienists in alternative
3 practice to assist in his or her practice.

4 (b) A registered dental hygienist in alternative practice may
5 hire and supervise dental assistants performing functions
6 specified in subdivision (b) of Section 1751.

7 1930. A registered dental hygienist in alternative practice
8 shall provide to the bureau documentation of an existing
9 relationship with at least one dentist for referral, consultation,
10 and emergency services.

11 1931. A registered dental hygienist in alternative practice
12 may perform dental hygiene services for a patient who presents
13 to the registered hygienist in alternative practice a written
14 prescription for dental hygiene services issued by a dentist or
15 physician and surgeon licensed to practice in this state who has
16 performed a physical examination and a diagnosis of the patient
17 prior to the prescription being provided. The prescription shall
18 be valid for a time period based on the dentist's or physician and
19 surgeon's professional judgment, but not to exceed 15 months
20 from the date that it was issued.

21 1932. (a) The bureau may, in its sole discretion, issue a
22 probationary license to an applicant who has satisfied all
23 requirements for licensure as a registered dental hygienist, a
24 registered dental hygienist in alternative practice, or a registered
25 dental hygienist in extended functions. The bureau may require,
26 as a term or condition of issuing the probationary license, that
27 the applicant comply with certain additional requirements,
28 including, but not limited to, the following:

29 (1) Successfully completing a professional competency
30 examination.

31 (2) Submitting to a medical or psychological evaluation.

32 (3) Submitting to continuing medical or psychological
33 treatment.

34 (4) Abstaining from the use of alcohol or drugs.

35 (5) Submitting to random fluid testing for alcohol or
36 controlled substance abuse.

37 (6) Submitting to continuing participation in a
38 bureau-approved rehabilitation program.

39 (7) Restricting the type or circumstances of practice.

40 (8) Submitting to continuing education and coursework.

1 (9) *Complying with requirements regarding notifying the*
2 *bureau of any change of employer or employment.*

3 (10) *Complying with probation monitoring.*

4 (11) *Complying with all laws and regulations governing the*
5 *practice of dentistry.*

6 (12) *Limiting his or her practice to a supervised, structured*
7 *environment in which his or her activities are supervised by a*
8 *specified person.*

9 (b) *The term of a probationary license is three years. During*
10 *the term of the license, a registered dental hygienist, registered*
11 *dental hygienist in alternative practice, or registered dental*
12 *hygienist in extended functions may petition the bureau for a*
13 *modification of a term or condition of the license or for the*
14 *issuance of a license that is not probationary.*

15 (c) *The proceedings under this section shall be conducted in*
16 *accordance with the provisions of Chapter 5 (commencing with*
17 *Section 11500) of Part 1 of Division 3 of Title 2 of the*
18 *Government Code, and the bureau shall have all the powers*
19 *granted in that chapter.*

20 1933. *A licensee shall be issued a substitute license upon*
21 *request and payment of the required fee. The request shall be*
22 *accompanied by an affidavit or declaration containing*
23 *satisfactory evidence of the loss or destruction of the license*
24 *certificate.*

25 1934. *A licensee who changes his or her address of record*
26 *shall notify the bureau within 30 days of the change. A licensee*
27 *who changes his or her legal name shall provide the bureau with*
28 *documentation of the change within 10 days.*

29 1935. *If not renewed, a license issued under the provisions of*
30 *this article, unless specifically excepted, expires at 12 midnight*
31 *on the last day of the month of the legal birth date of the licensee*
32 *during the second year of a two-year term. To renew an*
33 *unexpired license, the licensee shall, before the time at which the*
34 *license would otherwise expire, apply for renewal on a form*
35 *prescribed by the bureau and pay the renewal fee prescribed by*
36 *this article.*

37 1936. *Except as otherwise provided in this article, an expired*
38 *license may be renewed at any time within five years after its*
39 *expiration by filing an application for renewal on a form*
40 *prescribed by the bureau and payment of all accrued renewal*

1 and delinquency fees. If the license is renewed after its
2 expiration, the licensee, as a condition precedent to renewal,
3 shall also pay the delinquency fee prescribed by this article.
4 Renewal under this section shall be effective on the date on
5 which the application is filed, on the date on which the renewal
6 fee is paid, or on the date on which the delinquency fee, if any, is
7 paid, whichever last occurs. If so renewed, the license shall
8 continue in effect until the expiration date provided in Section
9 1935 that next occurs after the effective date of the renewal.

10 1937. A suspended license is subject to expiration and shall
11 be renewed as provided in this article. The renewal does not
12 entitle the licensee, while the license remains suspended and
13 until it is reinstated, to engage in the licensed activity or in any
14 other activity or conduct in violation of the order or judgment by
15 which the license was suspended.

16 1938. A revoked license is subject to expiration as provided
17 in this article. A revoked license may not be renewed. If it is
18 reinstated after its expiration, the licensee, as a condition
19 precedent to its reinstatement, shall pay a reinstatement fee in an
20 amount equal to the renewal fee in effect on the last regular
21 renewal date before the date on which it is reinstated and the
22 delinquency fee, if any, accrued at the time of its revocation.

23 1939. A license that is not renewed within five years after its
24 expiration may not be renewed, restored, reinstated, or reissued.
25 The holder of the license may apply for and obtain a new license
26 upon meeting all of the requirements of a new applicant
27 prescribed in this article.

28 1940. (a) A licensee who desires an inactive license shall
29 submit an application to the bureau on a form provided by the
30 bureau.

31 (b) In order to restore an inactive license to active status, the
32 licensee shall submit an application to the bureau on a form
33 provided by the bureau, accompanied by evidence that the
34 licensee has completed the required number of hours of approved
35 continuing education in compliance with this article within the
36 last two years preceding the date of the application.

37 (c) The holder of an inactive license shall continue to pay to
38 the bureau the required biennial renewal fee.

39 (d) Within 30 days of receiving a request either to restore an
40 inactive license or to inactivate a license, the bureau shall inform

1 *the applicant in writing whether the application is complete and*
2 *accepted for filing or is deficient and, if so, the specific*
3 *information required to complete the application.*

4 *1941. It is the intent of the bureau to grant and to renew*
5 *approval of only those educational programs for a registered*
6 *dental hygienist, a registered dental hygienist in alternative*
7 *practice, and a registered dental hygienist in extended functions*
8 *that continuously maintain a high quality standard of instruction.*

9 *1942. (a) An educational program for registered dental*
10 *hygienists that commences operation on or after January 1,*
11 *2007, shall apply to the bureau for approval.*

12 *(b) The bureau may approve, provisionally approve, or deny*
13 *approval of an application made pursuant to subdivision (a). In*
14 *taking this action, the bureau may, in lieu of conducting its own*
15 *investigation, accept the findings of any commission or*
16 *accreditation agency that is approved by the bureau and adopt*
17 *those findings as its own.*

18 *1943. (a) The bureau may deny an application to take an*
19 *examination for licensure as a registered dental hygienist, a*
20 *registered dental hygienist, or a registered dental hygienist in*
21 *extended functions at any time prior to licensure.*

22 *(b) The bureau may deny an application for licensure as a*
23 *registered dental hygienist, registered dental hygienist in*
24 *alternative practice, or registered dental hygienist in extended*
25 *functions for any of the following reasons:*

26 *(1) The applicant committed an act that is a ground for license*
27 *suspension or revocation under this code or that is a ground for*
28 *the denial of licensure under Section 480.*

29 *(2) The applicant committed or aided and abetted the*
30 *commission of any act for which a license is required under this*
31 *chapter.*

32 *(3) Another state or territory suspended or revoked the license*
33 *that it had issued to the applicant on a ground that constitutes a*
34 *basis in this state for the suspension or revocation of licensure*
35 *under this chapter.*

36 *(4) The applicant failed to meet any requirement under*
37 *Section 1916, 1918, 1922, or 1924.*

38 *(c) The proceedings under this section shall be conducted in*
39 *accordance with Chapter 5 (commencing with Section 11500) of*

1 *Part 1 of Division 3 of Title 2 of the Government Code, and the*
2 *bureau shall have all of the powers granted therein.*

3 *1944. (a) The bureau shall establish by resolution the*
4 *amount of the fees that relate to the licensing of a registered*
5 *dental hygienist, a registered dental hygienist in alternative*
6 *practice, and a registered dental hygienist in extended functions.*

7 *The fees are subject to the following limitations:*

8 *(1) The application fee for an original license shall not exceed*
9 *twenty dollars (\$20).*

10 *(2) The fee for examination for licensure as a registered dental*
11 *hygienist shall not exceed two hundred twenty dollars (\$220).*

12 *(3) For third- and fourth-year dental students, the fee for*
13 *examination for licensure as a registered dental hygienist shall*
14 *not exceed the actual cost of the examination.*

15 *(4) The fee for examination for licensure as a registered dental*
16 *hygienist in extended functions shall not exceed two hundred fifty*
17 *dollars (\$250).*

18 *(5) The fee for examination for licensure as a registered dental*
19 *hygienist in alternative practice shall not exceed the actual cost*
20 *of administering the examination.*

21 *(6) The biennial renewal fee shall not exceed eighty dollars*
22 *(\$80).*

23 *(7) The delinquency fee shall not exceed twenty-five dollars*
24 *(\$25) or one-half of the renewal fee, whichever is greater. Any*
25 *delinquent license may be restored only upon payment of all fees,*
26 *including the delinquency fee, and compliance with all other*
27 *applicable requirements of this article.*

28 *(8) The fee for issuance of a duplicate license to replace one*
29 *that is lost or destroyed, or in the event of a name change, shall*
30 *not exceed twenty-five dollars (\$25) or one-half of the renewal*
31 *fee, whichever is greater.*

32 *(9) The fee for each curriculum review and site evaluation for*
33 *educational programs for dental hygienists that are not*
34 *accredited by a bureau-approved agency, the Council for Private*
35 *Postsecondary and Vocational Education, or the Chancellor's*
36 *office of the California Community Colleges shall not exceed one*
37 *thousand four hundred dollars (\$1,400).*

38 *(10) The fee for each review of radiation safety courses or*
39 *specialty registration courses that are not accredited by a*
40 *bureau-approved agency, the Council for Private Postsecondary*

1 *and Vocational Education, or the Chancellor's office of the*
2 *California Community Colleges shall not exceed three hundred*
3 *dollars (\$300).*

4 *(11) The fee for a provider of continuing education shall not*
5 *exceed five hundred dollars (\$500) per year.*

6 *(12) The amount of fees payable in connection with permits*
7 *issued under Section 1962 is as follows:*

8 *(A) The initial permit fee is an amount equal to the renewal fee*
9 *for the applicant's license to practice dental hygiene in effect on*
10 *the last regular renewal date before the date on which the permit*
11 *is issued.*

12 *(B) If the permit will expire less than one year after its*
13 *issuance, then the initial permit fee is an amount equal to 50*
14 *percent of the renewal fee in effect on the last regular renewal*
15 *date before the date on which the permit is issued.*

16 *(b) The renewal and delinquency fees shall be fixed by the*
17 *bureau at not more than the current amount of the renewal fee*
18 *for a license to practice under this chapter nor less than five*
19 *dollars (\$5).*

20 *(c) Fees fixed by the bureau pursuant to this section shall not*
21 *be subject to the approval of the Office of Administrative Law.*

22 *(d) Fees collected pursuant to this section shall be collected by*
23 *the bureau and deposited into the State Dental Hygiene Fund,*
24 *which is hereby created. All money in this fund is continuously*
25 *appropriated to the bureau to implement the provisions of this*
26 *article.*

27 *(e) No fees or charges other than those listed in this section*
28 *shall be levied by the bureau in connection with the licensure of*
29 *registered dental hygienists, registered dental hygienists in*
30 *alternate practice, or registered dental hygienists in extended*
31 *functions.*

32 *1945. On January 1, 2007, a percentage of the funds in the*
33 *State Dental Auxiliary Fund shall be transferred to the State*
34 *Dental Hygiene Fund based on the number of registered dental*
35 *hygienists, registered dental hygienists in alternative practice,*
36 *and registered dental hygienists in extended practice licensed on*
37 *January 1, 2007, compared to all dental auxiliaries licensed by*
38 *the Committee on Dental Auxiliaries on January 1, 2007.*

39 *1946. The proceedings to deny, suspend, or revoke a license*
40 *under this article shall be conducted in accordance with the*

1 *provisions of Chapter 5 (commencing with Section 11500) of*
2 *Part 1 of Division 3 of Title 2 of the Government Code.*

3 *1947. A license issued under this article and a license issued*
4 *under this chapter to a registered dental hygienist, to a*
5 *registered dental hygienist in alternative practice, or to a*
6 *registered dental hygienist in extended functions may be revoked*
7 *or suspended by the bureau for any reason specified in this*
8 *chapter for the suspension or revocation of a license to practice*
9 *dental hygiene.*

10 *1948. (a) If the bureau determines that the public health and*
11 *safety would be served by requiring all holders of licenses under*
12 *this article to continue their education after receiving a license,*
13 *the bureau may require, as a condition to license renewal, that*
14 *licensees submit assurances satisfactory to the bureau that they*
15 *will, during the succeeding two-year period, inform themselves of*
16 *the developments in the practice of dental hygiene occurring*
17 *since the original issuance of their licenses by pursuing one or*
18 *more courses of study satisfactory to the bureau, or by other*
19 *means deemed equivalent by the bureau. The bureau shall adopt*
20 *regulations providing for the suspension of the licenses at the*
21 *end of the two-year period until compliance with the assurances*
22 *provided for in this section is accomplished.*

23 *(b) The bureau may also, as a condition of license renewal,*
24 *require licentiates to successfully complete a portion of the*
25 *required continuing education hours in specific areas adopted in*
26 *regulations by the board. The bureau may prescribe this*
27 *mandatory coursework within the general areas of patient care,*
28 *health and safety, and law and ethics. The mandatory*
29 *coursework prescribed by the bureau shall not exceed seven and*
30 *one-half hours per renewal period. Any mandatory coursework*
31 *required by the bureau shall be credited toward the continuing*
32 *education requirements established by the bureau pursuant to*
33 *subdivision (a).*

34 *1949. A licensee may have his or her license revoked or*
35 *suspended, or may be reprimanded or placed on probation by the*
36 *bureau for unprofessional conduct, incompetence, gross*
37 *negligence, repeated acts of negligence in his or her profession,*
38 *receiving a license by mistake, or for any other cause applicable*
39 *to the licentiate provided in this chapter. The proceedings under*
40 *this article shall be conducted in accordance with Chapter 5*

1 *(commencing with Section 11500) of Part 1 of Division 3 of Title*
2 *2 of the Government Code, and the bureau shall have all the*
3 *powers granted therein.*

4 *1950. (a) A licensee may have his or her license revoked or*
5 *suspended, or may be reprimanded or placed on probation by the*
6 *bureau, for conviction of a crime substantially related to the*
7 *licensee's qualifications, functions, or duties. The record of*
8 *conviction or a copy certified by the clerk of the court or by the*
9 *judge in whose court the conviction is had, shall be conclusive*
10 *evidence of conviction.*

11 *(b) The bureau shall undertake proceedings under this section*
12 *upon the receipt of a certified copy of the record of conviction. A*
13 *plea or verdict of guilty or a conviction following a plea of nolo*
14 *contendere made to a charge of a felony or of any misdemeanor*
15 *substantially related to the licensee's qualifications, functions, or*
16 *duties is deemed to be a conviction within the meaning of this*
17 *section.*

18 *(c) The bureau may order a license suspended or revoked, or*
19 *may decline to issue a license when any of the following occur:*

20 *(1) The time for appeal has elapsed.*

21 *(2) The judgment of conviction has been affirmed on appeal.*

22 *(3) An order granting probation is made suspending the*
23 *imposition of sentence, irrespective of a subsequent order under*
24 *any provision of the Penal Code, including, but not limited to,*
25 *Section 1203.4 of the Penal Code, allowing a person to withdraw*
26 *his or her plea of guilty and to enter a plea of not guilty, or*
27 *setting aside the verdict of guilty, or dismissing the accusation,*
28 *information or indictment.*

29 *1951. The bureau may discipline a licensee by placing him or*
30 *her on probation under various terms and conditions that may*
31 *include, but are not limited to, the following:*

32 *(a) Requiring the licensee to obtain additional training or pass*
33 *an examination upon completion of training, or both. The*
34 *examination may be written or oral examinations, or both, and*
35 *may be a practical or clinical examination, or both, at the option*
36 *of the bureau.*

37 *(b) Requiring the licensee to submit to a complete diagnostic*
38 *examination by one or more physicians appointed by the bureau,*
39 *if warranted by the physical or mental condition of the licensee.*
40 *If the bureau requires the licensee to submit to an examination,*

1 *the bureau shall receive and consider any other report of a*
2 *complete diagnostic examination given by one or more*
3 *physicians of the licensee's choice.*

4 *(c) Restricting or limiting the extent, scope, or type of practice*
5 *of the licensee.*

6 *(d) Requiring restitution of fees to the licensee's patients or*
7 *payers of services unless restitution has already been made.*

8 *(e) Providing the option of alternative community service in*
9 *lieu of all or part of a period of suspension in cases other than*
10 *violations relating to quality of care.*

11 *1952. It is unprofessional conduct for a person licensed*
12 *under this article to do any of the following:*

13 *(a) Obtain or possess in violation of law, or except as directed*
14 *by a licensed physician and surgeon, dentist, or podiatrist,*
15 *administer to himself, a controlled substance, as defined in*
16 *Division 10 (commencing with Section 11000) of the Health and*
17 *Safety Code, or any dangerous drug as defined in Article 8*
18 *(commencing with Section 4211) of Chapter 9.*

19 *(b) Use a controlled substance, as defined in Division 10*
20 *(commencing with Section 11000) of the Health and Safety Code,*
21 *or a dangerous drug as defined in Article 8 (commencing with*
22 *Section 4211) of Chapter 9, or alcoholic beverages or other*
23 *intoxicating substances, to an extent or in a manner dangerous*
24 *or injurious to himself or herself, to any person, or the public to*
25 *the extent that the use impairs the licensee's ability to conduct*
26 *with safety to the public the practice authorized by his or her*
27 *license.*

28 *(c) The conviction of a charge of violating any federal statute*
29 *or rules, or any statute or rule of this state, regulating controlled*
30 *substances, as defined in Division 10 (commencing with Section*
31 *11000) of the Health and Safety Code, or any dangerous drug, as*
32 *defined in Article 8 (commencing with Section 4211) of Chapter*
33 *9, or the conviction of more than one misdemeanor, or any*
34 *felony, involving the use or consumption of alcohol or drugs, if*
35 *the conviction is substantially related to the practice authorized*
36 *by his or her license. The record of conviction or a copy certified*
37 *by the clerk of the court or by the judge in whose court the*
38 *conviction is had, shall be conclusive evidence of a violation of*
39 *this section. A plea or verdict of guilty or a conviction following*
40 *a plea of nolo contendere is deemed to be a conviction within the*

1 meaning of this section; the bureau may order the license
2 suspended or revoked, or may decline to issue a license, when the
3 time for appeal has elapsed or the judgment of conviction has
4 been affirmed on appeal, or when an order granting probation is
5 made suspending imposition of sentence, irrespective of a
6 subsequent order under any provision of the Penal Code,
7 including, but not limited to, Section 1203.4 of the Penal Code,
8 allowing a person to withdraw his plea of guilty and to enter a
9 plea of not guilty, or setting aside the verdict of guilty, or
10 dismissing the accusation, information or indictment.

11 1953. (a) A registered dental hygienist, registered dental
12 hygienist in alternative practice, or registered dental hygienist in
13 extended functions who performs a service on a patient in a
14 dental office shall identify himself or herself in the patient record
15 by signing his or her name or identification number and initials
16 next to the service performed, and shall date those treatment
17 entries in the record.

18 (b) A repeated violation of this section constitutes
19 unprofessional conduct.

20 1954. (a) It is unprofessional conduct for a person licensed
21 under this article to perform, or hold himself or herself out as
22 able to perform, professional services beyond the scope of his or
23 her license and field of competence, as established by his or her
24 education, experience, and training. This includes, but is not
25 limited to, using an instrument or device in a manner that is not
26 in accordance with the customary standards and practices of the
27 dental hygiene profession.

28 (b) This section shall not apply to research conducted by
29 accredited dental schools or dental hygiene schools, or to
30 research conducted pursuant to an investigational device
31 exemption issued by the United States Food and Drug
32 Administration.

33 1955. (a) (1) A licensee who fails or refuses to comply with
34 a request for a patient's dental hygiene records that is
35 accompanied by that patient's written authorization for release
36 of the records to the bureau, within 15 days of receiving the
37 request and authorization, shall pay to the bureau a civil penalty
38 of two hundred fifty dollars (\$250) per day for each day that the
39 documents have not been produced after the 15th day, up to a
40 maximum of five thousand dollars (\$5,000) unless the licensee is

1 *unable to provide the documents within this time period for good*
2 *cause.*

3 *(2) A health care facility shall comply with a request for the*
4 *dental hygiene records of a patient that is accompanied by that*
5 *patient's written authorization for release of records to the*
6 *bureau together with a notice citing this section and describing*
7 *the penalties for failure to comply with this section. Failure to*
8 *provide the authorizing patient's dental hygiene records to the*
9 *board within 30 days of receiving this request, authorization, and*
10 *notice shall subject the health care facility to a civil penalty,*
11 *payable to the bureau, of up to two hundred fifty dollars (\$250)*
12 *per day for each day that the documents have not been produced*
13 *after the 30th day, up to a maximum of five thousand dollars*
14 *(\$5,000), unless the health care facility is unable to provide the*
15 *documents within this time period for good cause. This*
16 *paragraph shall not require health care facilities to assist the*
17 *bureau in obtaining the patient's authorization. The bureau shall*
18 *pay the reasonable cost of copying the dental hygiene records.*

19 *(b) (1) A licensee who fails or refuses to comply with a court*
20 *order issued in the enforcement of a subpoena mandating the*
21 *release of records to the bureau shall pay to the bureau a civil*
22 *penalty of one thousand dollars (\$1,000) per day for each day*
23 *that the documents have not been produced after the date by*
24 *which the court order requires the documents to be produced,*
25 *unless it is determined that the order is unlawful or invalid. Any*
26 *statute of limitations applicable to the filing of an accusation by*
27 *the bureau shall be tolled during the period the licensee is out of*
28 *compliance with the court order and during any related appeals.*

29 *(2) A licensee who fails or refuses to comply with a court*
30 *order issued in the enforcement of a subpoena mandating the*
31 *release of records to the bureau is guilty of a misdemeanor*
32 *punishable by a fine payable to the bureau not to exceed five*
33 *thousand dollars (\$5,000). The fine shall be added to the*
34 *licensee's renewal fee if it is not paid by the next succeeding*
35 *renewal date. Any statute of limitations applicable to the filing of*
36 *an accusation by the bureau shall be tolled during the period the*
37 *licensee is out of compliance with the court order and during any*
38 *related appeals.*

39 *(3) A health care facility that fails or refuses to comply with a*
40 *court order issued in the enforcement of a subpoena mandating*

1 *the release of patient records to the bureau, that is accompanied*
2 *by a notice citing this section and describing the penalties for*
3 *failure to comply with this section, shall pay to the bureau a civil*
4 *penalty of up to one thousand dollars (\$1,000) per day for each*
5 *day that the documents have not been produced, up to ten*
6 *thousand dollars (\$10,000), after the date by which the court*
7 *order requires the documents to be produced, unless it is*
8 *determined that the order is unlawful or invalid. Any statute of*
9 *limitations applicable to the filing of an accusation by the bureau*
10 *against a licensee shall be tolled during the period the health*
11 *care facility is out of compliance with the court order and during*
12 *any related appeals.*

13 *(4) A health care facility that fails or refuses to comply with a*
14 *court order, issued in the enforcement of a subpoena, mandating*
15 *the release of records to the bureau is guilty of a misdemeanor*
16 *punishable by a fine payable to the bureau not to exceed five*
17 *thousand dollars (\$5,000). Any statute of limitations applicable*
18 *to the filing of an accusation by the bureau against a licensee*
19 *shall be tolled during the period the health care facility is out of*
20 *compliance with the court order and during any related appeals.*

21 *(c) Multiple acts by a licensee in violation of subdivision (b)*
22 *shall be punishable by a fine not to exceed five thousand dollars*
23 *(\$5,000) or by imprisonment in a county jail not exceeding six*
24 *months, or by both that fine and imprisonment. Multiple acts by*
25 *a health care facility in violation of subdivision (b) shall be*
26 *punishable by a fine not to exceed five thousand dollars (\$5,000)*
27 *and shall be reported to the State Department of Health Services*
28 *and shall be considered as grounds for disciplinary action with*
29 *respect to licensure, including suspension or revocation of the*
30 *license or certificate.*

31 *(d) A failure or refusal to comply with a court order issued in*
32 *the enforcement of a subpoena mandating the release of records*
33 *to the bureau constitutes unprofessional conduct and is grounds*
34 *for suspension or revocation of his or her license.*

35 *(e) Imposition of the civil penalties authorized by this section*
36 *shall be in accordance with the Administrative Procedure Act*
37 *(Chapter 5 (commencing with Section 11500) of Division 3 of*
38 *Title 2 of the Government Code).*

39 *(f) For the purposes of this section, a “health care facility”*
40 *means a clinic or health care facility licensed or exempt from*

1 *licensure pursuant to Division 2 (commencing with Section 1200)*
2 *of the Health and Safety Code.*

3 *1956. It is unprofessional conduct for a person licensed*
4 *under this article to require, either directly or through an office*
5 *policy, or knowingly permit the delivery of dental hygiene care*
6 *that discourages necessary treatment, or permits clearly*
7 *excessive, incompetent, unnecessary, or grossly negligent*
8 *treatment, or repeated negligent acts, as determined by the*
9 *standard of practice in the community.*

10 *1957. (a) A person whose license has been revoked or*
11 *suspended, who has been placed on probation, or whose license*
12 *was surrendered pursuant to a stipulated settlement as a*
13 *condition to avoid a disciplinary administrative hearing, may*
14 *petition the bureau for reinstatement or modification of penalty,*
15 *including modification or termination of probation, after a*
16 *period of not less than the following minimum periods have*
17 *elapsed from the effective date of the decision ordering*
18 *disciplinary action:*

19 *(1) At least three years for reinstatement of a license revoked*
20 *for unprofessional conduct or surrendered pursuant to a*
21 *stipulated settlement as a condition to avoid an administrative*
22 *disciplinary hearing.*

23 *(2) At least two years for early termination, or modification of*
24 *a condition, of a probation of three years or more.*

25 *(3) At least one year for modification of a condition, or*
26 *reinstatement of a license revoked for mental or physical illness,*
27 *or termination, or modification of a condition, of a probation of*
28 *less than three years.*

29 *(b) The petition shall state any fact required by the bureau.*

30 *(c) The petition may be heard by the bureau, or the bureau*
31 *may assign the petition to an administrative law judge designated*
32 *in Section 11371 of the Government Code.*

33 *(d) In considering reinstatement or modification or penalty,*
34 *the bureau or the administrative law judge hearing the petition*
35 *may consider the following:*

36 *(1) All activities of the petitioner since the disciplinary action*
37 *was taken.*

38 *(2) The offense for which the petitioner was disciplined.*

39 *(3) The petitioner's activities during the time the license,*
40 *certificate, or permit was in good standing.*

1 (4) *The petitioner's rehabilitative efforts, general reputation*
2 *for truth, and professional ability.*

3 (e) *The hearing may be continued from time to time as the*
4 *bureau or the administrative law judge as designated in Section*
5 *11371 of the Government Code finds necessary.*

6 (f) *The bureau or the administrative law judge may impose*
7 *necessary terms and conditions on the licentiate in reinstating a*
8 *license, certificate, or permit or modifying a penalty.*

9 (g) *A petition shall not be considered while the petitioner is*
10 *under sentence for any criminal offense, including any period*
11 *during which the petitioner is on court-imposed probation or*
12 *parole.*

13 (h) *A petition shall not be considered while there is an*
14 *accusation or petition to revoke probation pending against the*
15 *person.*

16 (i) *The bureau may deny without a hearing or argument any*
17 *petition filed pursuant to this section within a period of two years*
18 *from the effective date of the prior decision following a hearing*
19 *under this section. Nothing in this section shall be deemed to*
20 *alter Sections 822 and 823.*

21 1958. *A person, company, or association is guilty of a*
22 *misdemeanor, and upon conviction, shall be punished by*
23 *imprisonment in a county jail not less than 10 days nor more*
24 *than one year, or by a fine of not less than one hundred dollars*
25 *(\$100) nor more than one thousand five hundred dollars*
26 *(\$1,500), or by both fine and imprisonment, who does any of the*
27 *following:*

28 (a) *Assumes the title of "registered dental hygienist,"*
29 *"registered dental hygienist in alternative practice" or*
30 *"registered dental hygienist in extended functions" or appends*
31 *the letters "R.D.H.," "R.D.H.A.P." or "R.D.H.E.F." to his or*
32 *her name without having had the right to assume the title*
33 *conferred upon him or her through licensure.*

34 (b) *Assumes any title, or appends any letters to his or her*
35 *name, with the intent to represent falsely that he or she has*
36 *received a dental hygiene degree or a license under this article.*

37 (c) *Engages in the practice of dental hygiene without causing*
38 *to be displayed in a conspicuous place in his or her office his or*
39 *her license under this article to practice dental hygiene.*

1 (d) Within 10 days after demand is made by the executive
2 officer of the bureau, fails to furnish to the bureau the name and
3 address of all persons practicing or assisting in the practice of
4 dental hygiene in the office of the person, company, or
5 association, at any time within 60 days prior to the demand,
6 together with a sworn statement showing under and by what
7 license or authority this person, company, or association and any
8 employees are or have been practicing or assisting in the
9 practice of dental hygiene. This sworn statement shall not be
10 used in any prosecution under this section.

11 (e) Is under the influence of alcohol or a controlled substance
12 while engaged in the practice of dental hygiene in actual
13 attendance on patients to an extent that impairs his or her ability
14 to conduct the practice of dental hygiene with safety to patients
15 and the public.

16 1959. A person who holds a valid, unrevoked, and
17 unsuspended certificate as a registered dental hygienist,
18 registered dental hygienist in alternative practice, or registered
19 dental hygienist in extended functions under this article may
20 append the letters "R.D.H.," "R.D.H.A.P.," or "R.D.H.E.F." to
21 his or her name.

22 1960. For the first offense, a person is guilty of a
23 misdemeanor and shall be punishable by a fine of not less than
24 two hundred dollars (\$200) or more than three thousand dollars
25 (\$3,000), or by imprisonment in a county jail for not to exceed
26 six months, or both, and for the second or a subsequent offense is
27 guilty of a felony and upon conviction thereof shall be punished
28 by a fine of not less than two thousand dollars (\$2,000) nor more
29 than six thousand dollars (\$6,000), or by imprisonment in the
30 state prison, or by both that fine and imprisonment, who does any
31 of the following:

32 (a) Sells or barter or offers to sell or barter a dental hygiene
33 degree or transcript or a license issued under, or purporting to
34 be issued under, laws regulating licensure of dental hygienists.

35 (b) Purchases or procures by barter a diploma, license, or
36 transcript with intent that it shall be used in evidence of the
37 holder's qualification to practice dental hygiene, or in fraud of
38 the laws regulating the practice of dental hygiene.

1 (c) With fraudulent intent, makes, attempts to make,
2 counterfeits, or materially alters a diploma, certificate, or
3 transcript.

4 (d) Uses, or attempts or causes to be used, any diploma,
5 certificate, or transcript that has been purchased, fraudulently
6 issued, counterfeited, or materially altered or in order to procure
7 licensure as a registered dental hygienist, registered dental
8 hygienist in alternative practice, or registered dental hygienist in
9 extended functions.

10 (e) In an affidavit required of an applicant for an examination
11 or license under this article, willfully makes a false statement in
12 a material regard.

13 (f) Practices dental hygiene or offers to practice dental
14 hygiene, as defined in this article, either without a license, or
15 when his or her license has been revoked or suspended.

16 (g) Under any false, assumed or fictitious name, either as an
17 individual, firm, corporation or otherwise, or any name other
18 than the name under which he or she is licensed, practices,
19 advertises, or in any other manner indicates that he or she
20 practices or will practice dental hygiene, except a name specified
21 in a valid permit issued pursuant to Section 1962.

22 1961. A person who willfully, under circumstances that cause
23 risk of bodily harm, serious physical or mental illness, or death,
24 practices, attempts to practice, advertises, or holds himself or
25 herself out as practicing dental hygiene without having at the
26 time of so doing a valid, unrevoked, and unsuspended license as
27 provided in this chapter, is guilty of a crime, punishable by
28 imprisonment in a county jail for up to one year. The remedy
29 provided in this section shall not preclude any other remedy
30 provided by law.

31 1962. (a) An association, partnership, corporation, or group
32 of three or more registered dental hygienists, registered dental
33 hygienists in alternative practice, or registered dental hygienists
34 in extended functions engaging in practice under a name that
35 would otherwise be in violation of Section 1960, may practice
36 under that name if the association, partnership, corporation, or
37 group holds an unexpired, unsuspended, and unrevoked permit
38 issued by the bureau under this section.

39 (b) An individual registered dental hygienist, registered dental
40 hygienist in alternative practice, or registered dental hygienist in

1 *extended functions, or a pair of registered dental hygienists,*
2 *registered dental hygienists in alternative practice, or registered*
3 *dental hygienists in extended functions who practice dental*
4 *hygiene under a name that would otherwise violate Section 1960*
5 *may practice under that name if the licensees hold a valid permit*
6 *issued by the bureau under this section. The bureau shall issue a*
7 *written permit authorizing the holder to use a name specified in*
8 *the permit in connection with the holder's practice if the bureau*
9 *finds all of the following:*

10 *(1) The applicant or applicants are duly licensed registered*
11 *dental hygienists, registered dental hygienists in alternative*
12 *practice, or registered dental hygienists in extended functions.*

13 *(2) The place where the applicant or applicants practice is*
14 *owned or leased by the applicant or applicants, and the practice*
15 *conducted at the place is wholly owned and entirely controlled*
16 *by the applicant or applicants.*

17 *(3) The name under which the applicant or applicants propose*
18 *to operate contains at least one of the following designations:*
19 *"dental hygiene group," "dental hygiene practice," or "dental*
20 *hygiene office," contains the family name of one or more of the*
21 *past, present, or prospective associates, partners, shareholders,*
22 *or members of the group, and is in conformity with Section 651*
23 *and not in violation of subdivisions (i) and (l) of Section 1680.*

24 *(4) All licensed persons practicing at the location designated*
25 *in the application hold valid licenses and no charges of*
26 *unprofessional conduct are pending against any person*
27 *practicing at that location.*

28 *(c) A permit issued under this section shall expire and become*
29 *invalid unless renewed in the manner provided for in this article*
30 *for the renewal of certificates issued under this article.*

31 *(d) A permit issued under this section may be revoked or*
32 *suspended if the bureau finds that any requirement for original*
33 *issuance of a permit is no longer being fulfilled by the*
34 *permitholder. Proceedings for revocation or suspension shall be*
35 *governed by the Administrative Procedure Act.*

36 *(e) If charges of unprofessional conduct are filed against the*
37 *holder of a permit issued under this section, or a member of an*
38 *association, partnership, group, or corporation to whom a permit*
39 *has been issued under this section, proceedings shall not be*
40 *commenced for revocation or suspension of the permit until a*

1 *final determination of the charges of unprofessional conduct,*
2 *unless the charges have resulted in revocation or suspension of a*
3 *license.*

4 *1963. The bureau may prefer a complaint for violation of any*
5 *part of this article before any court of competent jurisdiction and*
6 *may, by its officers, counsel and agents, assist in presenting the*
7 *law or facts at the trial. The district attorney of each county in*
8 *this state shall prosecute all violations of this article in their*
9 *respective counties in which the violations occur.*

10 *1964. In addition to the other proceedings provided for in this*
11 *article, on application of the bureau, the superior court of any*
12 *county shall issue an injunction to restrain an unlicensed person*
13 *from conducting the practice of dental hygiene, as defined in this*
14 *article.*

15 *1965. If a person has engaged in or is about to engage in an*
16 *act that constitutes an offense against this chapter, the superior*
17 *court of any county, on application of 10 or more persons*
18 *holding licenses to practice dental hygiene issued under this*
19 *article, may issue an injunction or other appropriate order*
20 *restraining that conduct. Proceedings under this section shall be*
21 *governed by Chapter 3 (commencing with Section 525) of Title 7*
22 *of Part 2 of the Code of Civil Procedure.*

23 *1966. (a) An applicant for licensure under this article shall*
24 *furnish fingerprint cards for submission to state and federal*
25 *criminal justice agencies, including, but not limited to, the*
26 *Federal Bureau of Investigation, in order to establish the identity*
27 *of the applicant and in order to determine whether the applicant*
28 *has a record of any criminal convictions in this state or in any*
29 *other jurisdiction, including foreign countries.*

30 *(b) The information obtained as a result of the fingerprinting*
31 *shall be used in accordance with Section 11105 of the Penal*
32 *Code, and to determine whether the applicant is subject to denial*
33 *of licensure pursuant to Division 1.5 (commencing with Section*
34 *475), or Section 1628.5.*

35 *1967. The bureau shall adopt regulations to implement the*
36 *requirements of this article on matters including, but not limited*
37 *to, the following:*

38 *(a) Educational standards, admissions criteria, and*
39 *curriculum.*

40 *(b) Application and examination requirements.*

1 (c) Continuing education requirements and certification of
2 continuing education providers.

3 1968. All moneys collected pursuant to this article shall be
4 deposited in the State Dental Hygiene Fund, unless otherwise
5 specified.

6 SEC. 26. Section 4999.2 of the Business and Professions
7 Code is amended to read:

8 4999.2. (a) In order to obtain and maintain a registration,
9 in-state or out-of-state telephone medical advice services shall
10 comply with the requirements established by the department.
11 Those requirements shall include, but shall not be limited to, all
12 of the following:

13 (1) (A) Ensuring that all staff who provide medical advice
14 services are appropriately licensed, certified, or registered as a
15 physician and surgeon pursuant to Chapter 5 (commencing with
16 Section 2000) or the Osteopathic Initiative Act, as a dentist *or*
17 dental hygienist pursuant to Chapter 4 (commencing with Section
18 1600), as a ~~dental hygienist pursuant to Sections 1760 to 1775,~~
19 ~~inclusive,~~ as a psychologist pursuant to Chapter 6.6
20 (commencing with Section 2900), as a marriage and family
21 therapist pursuant to Chapter 13 (commencing with Section
22 4980), as a licensed clinical social worker pursuant to Chapter 14
23 (commencing with Section 4990), as an optometrist pursuant to
24 Chapter 7 (commencing with Section 3000), or as a chiropractor
25 pursuant to the Chiropractic Initiative Act, and operating
26 consistent with the laws governing their respective scopes of
27 practice in the state within which they provide telephone medical
28 advice services, except as provided in paragraph (2).

29 (B) Ensuring that all staff who provide telephone medical
30 advice services from an out-of-state location are health care
31 professionals, as identified in subparagraph (A), who are
32 licensed, registered, or certified in the state within which they are
33 providing the telephone medical advice services and are
34 operating consistent with the laws governing their respective
35 scopes of practice.

36 (2) Ensuring that all registered nurses providing telephone
37 medical advice services to both in-state and out-of-state business
38 entities registered pursuant to this chapter are licensed pursuant
39 to Chapter 6 (commencing with Section 2700).

1 (3) Ensuring that the telephone medical advice provided is
2 consistent with good professional practice.

3 (4) Maintaining records of telephone medical advice services,
4 including records of complaints, provided to patients in
5 California for a period of at least five years.

6 (5) Ensuring that no staff member uses a title or designation
7 when speaking to an enrollee or subscriber that may cause a
8 reasonable person to believe that the staff member is a licensed,
9 certified, or registered professional described in subparagraph
10 (A) of paragraph (1), unless the staff member is a licensed,
11 certified, or registered professional.

12 (6) Complying with all directions and requests for information
13 made by the department.

14 (b) To the extent permitted by Article VII of the California
15 Constitution, the department may contract with a private
16 nonprofit accrediting agency to evaluate the qualifications of
17 applicants for registration pursuant to this chapter and to make
18 recommendations to the department.

19 *SEC. 27. Section 4999.7 of the Business and Professions*
20 *Code is amended to read:*

21 4999.7. (a) Nothing in this section shall limit, preclude, or
22 otherwise interfere with the practices of other persons licensed or
23 otherwise authorized to practice, under any other provision of
24 this division, telephone medical advice services consistent with
25 the laws governing their respective scopes of practice, or licensed
26 under the Osteopathic Initiative Act or the Chiropractic Initiative
27 Act and operating consistent with the laws governing their
28 respective scopes of practice.

29 (b) For the purposes of this chapter, “telephone medical
30 advice” means a telephonic communication between a patient
31 and a health care professional in which the health care
32 professional’s primary function is to provide to the patient a
33 telephonic response to the patient’s questions regarding his or her
34 or a family member’s medical care or treatment. “Telephone
35 medical advice” includes assessment, evaluation, or advice
36 provided to patients or their family members.

37 (c) For the purposes of this chapter, “health care professional”
38 is a staff person described in Section 4999.2 who provides
39 medical advice services and is appropriately licensed, certified,
40 or registered as a registered nurse pursuant to Chapter 6

(commencing with Section 2700), as a physician and surgeon pursuant to Chapter 5 (commencing with Section 2000) or the Osteopathic Initiative Act, as a dentist *or dental hygienist* pursuant to Chapter 4 (commencing with Section 1600), as a ~~dental hygienist pursuant to Sections 1760 to 1775, inclusive,~~ as a psychologist pursuant to Chapter 6.6 (commencing with Section 2900), as a marriage and family therapist pursuant to Chapter 13 (commencing with Section 4980), as a licensed clinical social worker pursuant to Chapter 14 (commencing with Section 4990), as an optometrist pursuant to Chapter 7 (commencing with Section 3000), or as a chiropractor pursuant to the Chiropractic Initiative Act, and who is operating consistent with the laws governing his or her respective scopes of practice in the state in which he or she provides telephone medical advice services.

SEC. 28 Section 44876 of the Education Code is amended to read:

44876. The qualifications for a dental hygienist shall be a ~~valid certificate license issued by the Board of Dental Examiners of California~~ *California Dental Hygiene Bureau or by the Dental Board of California* and either a health and development credential, a standard designated services credential with a specialization in health, or a services credential with a specialization in health.

SEC. 29. Section 1348.8 of the Health and Safety Code is amended to read:

1348.8. (a) Every health care service plan that provides, operates, or contracts for, telephone medical advice services to its enrollees and subscribers shall do all of the following:

(1) Ensure that the in-state or out-of-state telephone medical advice service is registered pursuant to Chapter 15 (commencing with Section 4999) of Division 2 of the Business and Professions Code.

(2) Ensure that the staff providing telephone medical advice services for the in-state or out-of-state telephone medical advice service are licensed as follows:

(A) For full service health care service plans, the staff hold a valid California license as a registered nurse or a valid license in the state within which they provide telephone medical advice services as a physician and surgeon or physician assistant, and

1 are operating in compliance with the laws governing their
2 respective scopes of practice.

3 (B) (i) For specialized health care service plans providing,
4 operating, or contracting with a telephone medical advice service
5 in California, the staff shall be appropriately licensed, registered,
6 or certified as a physician and surgeon pursuant to Chapter 5
7 (commencing with Section 2000) of Division 2 of the Business
8 and Professions Code or the Osteopathic Initiative Act, as a
9 registered nurse pursuant to Chapter 6 (commencing with Section
10 2700) of Division 2 of the Business and Professions Code, as a
11 dentist *or a dental hygienist* pursuant to Chapter 4 (commencing
12 with Section 1600) of Division 2 of the Business and Professions
13 Code, ~~as a dental hygienist pursuant to Article 7 (commencing~~
14 ~~with Section 1740) of Chapter 4 of Division 2 of the Business~~
15 ~~and Professions Code~~, as a psychologist pursuant to Chapter 6.6
16 (commencing with Section 2900) of Division 2 of the Business
17 and Professions Code, as a marriage and family therapist
18 pursuant to Chapter 13 (commencing with Section 4980) of
19 Division 2 of the Business and Professions Code, as a licensed
20 clinical social worker pursuant to Chapter 14 (commencing with
21 Section 4990) of Division 2 of the Business and Professions
22 Code, as an optometrist pursuant to Chapter 7 (commencing with
23 Section 3000) of Division 2 of the Business and Professions
24 Code, or as a chiropractor pursuant to the Chiropractic Initiative
25 Act, and operating in compliance with the laws governing their
26 respective scopes of practice.

27 (ii) For specialized health care service plans providing,
28 operating, or contracting with an out-of-state telephone medical
29 advice service, the staff shall be health care professionals, as
30 identified in clause (i), who are licensed, registered, or certified
31 in the state within which they are providing the telephone
32 medical advice services and are operating in compliance with the
33 laws governing their respective scopes of practice. All registered
34 nurses providing telephone medical advice services to both
35 in-state and out-of-state business entities registered pursuant to
36 this chapter shall be licensed pursuant to Chapter 6 (commencing
37 with Section 2700) of Division 2 of the Business and Professions
38 Code.

39 (3) Ensure that every full service health care service plan
40 provides for a physician and surgeon who is available on an

1 on-call basis at all times the service is advertised to be available
2 to enrollees and subscribers.

3 (4) Ensure that staff members handling enrollee or subscriber
4 calls, who are not licensed, certified, or registered as required by
5 paragraph (2), do not provide telephone medical advice. Those
6 staff members may ask questions on behalf of a staff member
7 who is licensed, certified, or registered as required by paragraph
8 (2), in order to help ascertain the condition of an enrollee or
9 subscriber so that the enrollee or subscriber can be referred to
10 licensed staff. However, under no circumstances shall those staff
11 members use the answers to those questions in an attempt to
12 assess, evaluate, advise, or make any decision regarding the
13 condition of an enrollee or subscriber or determine when an
14 enrollee or subscriber needs to be seen by a licensed medical
15 professional.

16 (5) Ensure that no staff member uses a title or designation
17 when speaking to an enrollee or subscriber that may cause a
18 reasonable person to believe that the staff member is a licensed,
19 certified, or registered professional described in Section 4999.2
20 unless the staff member is a licensed, certified, or registered
21 professional.

22 (6) Ensure that the in-state or out-of-state telephone medical
23 advice service designates an agent for service of process in
24 California and files this designation with the director.

25 (7) Requires that the in-state or out-of-state telephone medical
26 advice service makes and maintains records for a period of five
27 years after the telephone medical advice services are provided,
28 including, but not limited to, oral or written transcripts of all
29 medical advice conversations with the health care service plan's
30 enrollees or subscribers in California and copies of all
31 complaints. If the records of telephone medical advice services
32 are kept out of state, the health care service plan shall, upon the
33 request of the director, provide the records to the director within
34 10 days of the request.

35 (8) Ensure that the telephone medical advice services are
36 provided consistent with good professional practice.

37 (b) The director shall forward to the Department of Consumer
38 Affairs, within 30 days of the end of each calendar quarter, data
39 regarding complaints filed with the department concerning
40 telephone medical advice services.

(c) For the purposes of this section, “telephone medical advice” means a telephonic communication between a patient and a health care professional in which the health care professional’s primary function is to provide to the patient a telephonic response to the patient’s questions regarding his or her or a family member’s medical care or treatment. “Telephone medical advice” includes assessment, evaluation, or advice provided to patients or their family members.

SEC. 30. Section 128160 of the Health and Safety Code is amended to read:

128160. (a) Pilot projects may be approved in the following fields:

- (1) Expanded role medical auxiliaries.
- (2) Expanded role nursing.
- (3) Expanded role dental auxiliaries, *dental hygienists, dental hygienists in alternative practice, or dental hygienists in extended functions.*
- (4) Maternal child care personnel.
- (5) Pharmacy personnel.
- (6) Mental health personnel.
- (7) Other health care personnel including, but not limited to, veterinary personnel, chiropractic personnel, podiatric personnel, geriatric care personnel, therapy personnel, and health care technicians.

(b) Projects that operate in rural and central city areas shall be given priority.

SEC. 31. Section 14132 of the Welfare and Institutions Code is amended to read:

14132. The following is the schedule of benefits under this chapter:

- (a) Outpatient services are covered as follows:
- Physician, hospital or clinic outpatient, surgical center, respiratory care, optometric, chiropractic, psychology, podiatric, occupational therapy, physical therapy, speech therapy, audiology, acupuncture to the extent federal matching funds are provided for acupuncture, and services of persons rendering treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan, subject to utilization controls.

(b) Inpatient hospital services, including, but not limited to, physician and podiatric services, physical therapy and occupational therapy, are covered subject to utilization controls.

(c) Nursing facility services, subacute care services, and services provided by any category of intermediate care facility for the developmentally disabled, including podiatry, physician, nurse practitioner services, and prescribed drugs, as described in subdivision (d), are covered subject to utilization controls. Respiratory care, physical therapy, occupational therapy, speech therapy, and audiology services for patients in nursing facilities and any category of intermediate care facility for the developmentally disabled are covered subject to utilization controls.

(d) Purchase of prescribed drugs is covered subject to the Medi-Cal List of Contract Drugs and utilization controls.

(e) Outpatient dialysis services and home hemodialysis services, including physician services, medical supplies, drugs and equipment required for dialysis, are covered, subject to utilization controls.

(f) Anesthesiologist services when provided as part of an outpatient medical procedure, nurse anesthetist services when rendered in an inpatient or outpatient setting under conditions set forth by the director, outpatient laboratory services, and X-ray services are covered, subject to utilization controls. Nothing in this subdivision shall be construed to require prior authorization for anesthesiologist services provided as part of an outpatient medical procedure or for portable X-ray services in a nursing facility or any category of intermediate care facility for the developmentally disabled.

(g) Blood and blood derivatives are covered.

(h) ~~(4)~~—Emergency and essential diagnostic and restorative dental services, except for orthodontic, fixed bridgework, and partial dentures that are not necessary for balance of a complete artificial denture, are covered, subject to utilization controls. The utilization controls shall allow emergency and essential diagnostic and restorative dental services and prostheses that are necessary to prevent a significant disability or to replace previously furnished prostheses which are lost or destroyed due to circumstances beyond the beneficiary's control. Notwithstanding the foregoing, the director may by regulation

1 provide for certain fixed artificial dentures necessary for
2 obtaining employment or for medical conditions that preclude the
3 use of removable dental prostheses, and for orthodontic services
4 in cleft palate deformities administered by the department's
5 California Children Services Program.

6 ~~(2) For persons 21 years of age or older, the services specified~~
7 ~~in paragraph (1) shall be provided subject to the following~~
8 ~~conditions:~~

9 ~~(A) Periodontal treatment is not a benefit.~~

10 ~~(B) Endodontic therapy is not a benefit except for vital~~
11 ~~pulpotomy.~~

12 ~~(C) Laboratory processed crowns are not a benefit.~~

13 ~~(D) Removable prosthetics shall be a benefit only for patients~~
14 ~~as a requirement for employment.~~

15 ~~(E) The director may, by regulation, provide for the provision~~
16 ~~of fixed artificial dentures that are necessary for medical~~
17 ~~conditions that preclude the use of removable dental prostheses.~~

18 ~~(F) Notwithstanding the conditions specified in subparagraphs~~
19 ~~(A) to (E), inclusive, the department may approve services for~~
20 ~~persons with special medical disorders subject to utilization~~
21 ~~review.~~

22 ~~(3) Paragraph (2) shall become inoperative July 1, 1995.~~

23 ~~(i) Medical transportation is covered, subject to utilization~~
24 ~~controls.~~

25 ~~(j) Home health care services are covered, subject to~~
26 ~~utilization controls.~~

27 ~~(k) Prosthetic and orthotic devices and eyeglasses are covered,~~
28 ~~subject to utilization controls. Utilization controls shall allow~~
29 ~~replacement of prosthetic and orthotic devices and eyeglasses~~
30 ~~necessary because of loss or destruction due to circumstances~~
31 ~~beyond the beneficiary's control. Frame styles for eyeglasses~~
32 ~~replaced pursuant to this subdivision shall not change more than~~
33 ~~once every two years, unless the department so directs.~~

34 ~~Orthopedic and conventional shoes are covered when provided~~
35 ~~by a prosthetic and orthotic supplier on the prescription of a~~
36 ~~physician and when at least one of the shoes will be attached to a~~
37 ~~prosthesis or brace, subject to utilization controls. Modification~~
38 ~~of stock conventional or orthopedic shoes when medically~~
39 ~~indicated, is covered subject to utilization controls. When there is~~
40 ~~a clearly established medical need that cannot be satisfied by the~~

1 modification of stock conventional or orthopedic shoes,
2 custom-made orthopedic shoes are covered, subject to utilization
3 controls.

4 Therapeutic shoes and inserts are covered when provided to
5 beneficiaries with a diagnosis of diabetes, subject to utilization
6 controls, to the extent that federal financial participation is
7 available.

8 (l) Hearing aids are covered, subject to utilization controls.
9 Utilization controls shall allow replacement of hearing aids
10 necessary because of loss or destruction due to circumstances
11 beyond the beneficiary's control.

12 (m) Durable medical equipment and medical supplies are
13 covered, subject to utilization controls. The utilization controls
14 shall allow the replacement of durable medical equipment and
15 medical supplies when necessary because of loss or destruction
16 due to circumstances beyond the beneficiary's control. The
17 utilization controls shall allow authorization of durable medical
18 equipment needed to assist a disabled beneficiary in caring for a
19 child for whom the disabled beneficiary is a parent, stepparent,
20 foster parent, or legal guardian, subject to the availability of
21 federal financial participation. The department shall adopt
22 emergency regulations to define and establish criteria for
23 assistive durable medical equipment in accordance with the
24 rulemaking provisions of the Administrative Procedure Act
25 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
26 Division 3 of Title 2 of the Government Code).

27 (n) Family planning services are covered, subject to utilization
28 controls.

29 (o) Inpatient intensive rehabilitation hospital services,
30 including respiratory rehabilitation services, in a general acute
31 care hospital are covered, subject to utilization controls, when
32 either of the following criteria are met:

33 (1) A patient with a permanent disability or severe impairment
34 requires an inpatient intensive rehabilitation hospital program as
35 described in Section 14064 to develop function beyond the
36 limited amount that would occur in the normal course of
37 recovery.

38 (2) A patient with a chronic or progressive disease requires an
39 inpatient intensive rehabilitation hospital program as described in

1 Section 14064 to maintain the patient's present functional level
2 as long as possible.

3 (p) Adult day health care is covered in accordance with
4 Chapter 8.7 (commencing with Section 14520).

5 (q) (1) Application of fluoride, or other appropriate fluoride
6 treatment as defined by the department, other prophylaxis
7 treatment for children 17 years of age and under, are covered.

8 (2) All dental hygiene services provided by a registered dental
9 hygienist, *a registered dental hygienist* in alternative practice, *or*
10 *a registered dental hygienist in extended functions* pursuant to
11 ~~Sections 1768 and 1770~~ Article 9 (commencing with Section
12 1900) of Chapter 4 of Division 2 of the Business and Professions
13 Code may be covered as long as they are within the scope of
14 Denti-Cal benefits and they are necessary services provided by a
15 registered dental hygienist, *a registered dental hygienist* in
16 alternative practice, *or a registered dental hygienist in extended*
17 *functions*.

18 (r) (1) Paramedic services performed by a city, county, or
19 special district, or pursuant to a contract with a city, county, or
20 special district, ~~and pursuant to a program established under~~
21 ~~Article 3 (commencing with Section 1480) of Chapter 2.5 of~~
22 ~~Division 2 of the Health and Safety Code by a paramedic~~
23 ~~certified pursuant to that article, and consisting of defibrillation~~
24 ~~and those services specified in subdivision (3) of Section 1482 of~~
25 ~~the article~~.

26 (2) All providers enrolled under this subdivision shall satisfy
27 all applicable statutory and regulatory requirements for becoming
28 a Medi-Cal provider.

29 (3) This subdivision shall be implemented only to the extent
30 funding is available under Section 14106.6.

31 (s) In-home medical care services are covered when medically
32 appropriate and subject to utilization controls, for beneficiaries
33 who would otherwise require care for an extended period of time
34 in an acute care hospital at a cost higher than in-home medical
35 care services. The director shall have the authority under this
36 section to contract with organizations qualified to provide
37 in-home medical care services to those persons. These services
38 may be provided to patients placed in shared or congregate living
39 arrangements, if a home setting is not medically appropriate or
40 available to the beneficiary. As used in this section, "in-home

1 medical care service” includes utility bills directly attributable to
2 continuous, 24-hour operation of life-sustaining medical
3 equipment, to the extent that federal financial participation is
4 available.

5 As used in this subdivision, in-home medical care services,
6 include, but are not limited to:

- 7 (1) Level of care and cost of care evaluations.
- 8 (2) Expenses, directly attributable to home care activities, for
9 materials.
- 10 (3) Physician fees for home visits.
- 11 (4) Expenses directly attributable to home care activities for
12 shelter and modification to shelter.
- 13 (5) Expenses directly attributable to additional costs of special
14 diets, including tube feeding.
- 15 (6) Medically related personal services.
- 16 (7) Home nursing education.
- 17 (8) Emergency maintenance repair.
- 18 (9) Home health agency personnel benefits which permit
19 coverage of care during periods when regular personnel are on
20 vacation or using sick leave.
- 21 (10) All services needed to maintain antiseptic conditions at
22 stoma or shunt sites on the body.
- 23 (11) Emergency and nonemergency medical transportation.
- 24 (12) Medical supplies.
- 25 (13) Medical equipment, including, but not limited to, scales,
26 gurneys, and equipment racks suitable for paralyzed patients.
- 27 (14) Utility use directly attributable to the requirements of
28 home care activities which are in addition to normal utility use.
- 29 (15) Special drugs and medications.
- 30 (16) Home health agency supervision of visiting staff which is
31 medically necessary, but not included in the home health agency
32 rate.
- 33 (17) Therapy services.
- 34 (18) Household appliances and household utensil costs
35 directly attributable to home care activities.
- 36 (19) Modification of medical equipment for home use.
- 37 (20) Training and orientation for use of ~~life-support~~ *life*
38 *support* systems, including, but not limited to, support of
39 respiratory functions.

1 (21) Respiratory care practitioner services as defined in
2 Sections 3702 and 3703 of the Business and Professions Code,
3 subject to prescription by a physician and surgeon.

4 Beneficiaries receiving in-home medical care services are
5 entitled to the full range of services within the Medi-Cal scope of
6 benefits as defined by this section, subject to medical necessity
7 and applicable utilization control. Services provided pursuant to
8 this subdivision, which are not otherwise included in the
9 Medi-Cal schedule of benefits, shall be available only to the
10 extent that federal financial participation for these services is
11 available in accordance with a home- and community-based
12 services waiver.

13 (t) Home- and community-based services approved by the
14 United States Department of Health and Human Services may be
15 covered to the extent that federal financial participation is
16 available for those services under waivers granted in accordance
17 with Section 1396n of Title 42 of the United States Code. The
18 director may seek waivers for any or all home- and
19 community-based services approvable under Section 1396n of
20 Title 42 of the United States Code. Coverage for those services
21 shall be limited by the terms, conditions, and duration of the
22 federal waivers.

23 (u) Comprehensive perinatal services, as provided through an
24 agreement with a health care provider designated in Section
25 14134.5 and meeting the standards developed by the department
26 pursuant to Section 14134.5, subject to utilization controls.

27 The department shall seek any federal waivers necessary to
28 implement the provisions of this subdivision. The provisions for
29 which appropriate federal waivers cannot be obtained shall not be
30 implemented. Provisions for which waivers are obtained or for
31 which waivers are not required shall be implemented
32 notwithstanding any inability to obtain federal waivers for the
33 other provisions. No provision of this subdivision shall be
34 implemented unless matching funds from Subchapter XIX
35 (commencing with Section 1396) of Chapter 7 of Title 42 of the
36 United States Code are available.

37 (v) Early and periodic screening, diagnosis, and treatment for
38 any individual under 21 years of age is covered, consistent with
39 the requirements of Subchapter XIX (commencing with Section
40 1396) of Chapter 7 of Title 42 of the United States Code.

1 (w) Hospice service—~~which~~ *that* is Medicare-certified hospice
2 service is covered, subject to utilization controls. Coverage shall
3 be available only to the extent that no additional net program
4 costs are incurred.

5 (x) When a claim for treatment provided to a beneficiary
6 includes both services which are authorized and reimbursable
7 under this chapter, and services which are not reimbursable under
8 this chapter, that portion of the claim for the treatment and
9 services authorized and reimbursable under this chapter shall be
10 payable.

11 (y) Home- and community-based services approved by the
12 United States Department of Health and Human Services for
13 beneficiaries with a diagnosis of AIDS or ARC, who require
14 intermediate care or a higher level of care.

15 Services provided pursuant to a waiver obtained from the
16 Secretary of the United States Department of Health and Human
17 Services pursuant to this subdivision, and which are not
18 otherwise included in the Medi-Cal schedule of benefits, shall be
19 available only to the extent that federal financial participation for
20 these services is available in accordance with the waiver, and
21 subject to the terms, conditions, and duration of the waiver.
22 These services shall be provided to individual beneficiaries in
23 accordance with the client's needs as identified in the plan of
24 care, and subject to medical necessity and applicable utilization
25 control.

26 The director may under this section contract with organizations
27 qualified to provide, directly or by subcontract, services provided
28 for in this subdivision to eligible beneficiaries. Contracts or
29 agreements entered into pursuant to this division shall not be
30 subject to the Public Contract Code.

31 (z) Respiratory care when provided in organized health care
32 systems as defined in Section 3701 of the Business and
33 Professions Code, and as an in-home medical service as outlined
34 in subdivision (s).

35 (aa) (1) There is hereby established in the department, a
36 program to provide comprehensive clinical family planning
37 services to any person who has a family income at or below 200
38 percent of the federal poverty level, as revised annually, and who
39 is eligible to receive these services pursuant to the waiver
40 identified in paragraph (2). This program shall be known as the

1 Family Planning, Access, Care, and Treatment (Family PACT)
2 Waiver Program.

3 (2) The department shall seek a waiver for a program to
4 provide comprehensive clinical family planning services as
5 described in paragraph (8). The program shall be operated only in
6 accordance with the waiver and the statutes and regulations in
7 paragraph (4) and subject to the terms, conditions, and duration
8 of the waiver. The services shall be provided under the program
9 only if the waiver is approved by the federal ~~Centers for~~
10 ~~Medicare and Medicaid Services~~ *Health Care Financing*
11 *Administration* in accordance with Section 1396n of Title 42 of
12 the United States Code and only to the extent that federal
13 financial participation is available for the services.

14 (3) Solely for the purposes of the waiver and notwithstanding
15 any other provision of law, the collection and use of an
16 individual's social security number shall be necessary only to the
17 extent required by federal law.

18 (4) Sections 14105.3 to 14105.39, inclusive, 14107.11, 24005,
19 and 24013, and any regulations adopted under these statutes shall
20 apply to the program provided for under this subdivision. No
21 other provision of law under the Medi-Cal program or the
22 State-Only Family Planning Program shall apply to the program
23 provided for under this subdivision.

24 (5) Notwithstanding Chapter 3.5 (commencing with Section
25 11340) of Part 1 of Division 3 of Title 2 of the Government
26 Code, the department may implement, without taking regulatory
27 action, the provisions of the waiver after its approval by the
28 federal Health Care Financing Administration and the provisions
29 of this section by means of an all-county letter or similar
30 instruction to providers. Thereafter, the department shall adopt
31 regulations to implement this section and the approved waiver in
32 accordance with the requirements of Chapter 3.5 (commencing
33 with Section 11340) of Part 1 of Division 3 of Title 2 of the
34 Government Code. Beginning six months after the effective date
35 of the act adding this subdivision, the department shall provide a
36 status report to the Legislature on a semiannual basis until
37 regulations have been adopted.

38 (6) In the event that the Department of Finance determines that
39 the program operated under the authority of the waiver described
40 in paragraph (2) is no longer cost-effective, this subdivision shall

1 become inoperative on the first day of the first month following
2 the issuance of a 30-day notification of that determination in
3 writing by the Department of Finance to the chairperson in each
4 house that considers appropriations, the chairpersons of the
5 committees, and the appropriate subcommittees in each house
6 that considers the State Budget, and the Chairperson of the Joint
7 Legislative Budget Committee.

8 (7) If this subdivision ceases to be operative, all persons who
9 have received or are eligible to receive comprehensive clinical
10 family planning services pursuant to the waiver described in
11 paragraph (2) shall receive family planning services under the
12 Medi-Cal program pursuant to subdivision (n) if they are
13 otherwise eligible for Medi-Cal with no share of cost, or shall
14 receive comprehensive clinical family planning services under
15 the program established in Division 24 (commencing with
16 Section 24000) either if they are eligible for Medi-Cal with a
17 share of cost or if they are otherwise eligible under Section
18 24003.

19 (8) For purposes of this subdivision, “comprehensive clinical
20 family planning services” means the process of establishing
21 objectives for the number and spacing of children, and selecting
22 the means by which those objectives may be achieved. These
23 means include a broad range of acceptable and effective methods
24 and services to limit or enhance fertility, including contraceptive
25 methods, federal Food and Drug Administration approved
26 contraceptive drugs, devices, and supplies, natural family
27 planning, abstinence methods, and basic, limited fertility
28 management. Comprehensive clinical family planning services
29 include, but are not limited to, preconception counseling,
30 maternal and fetal health counseling, general reproductive health
31 care, including diagnosis and treatment of infections and
32 conditions, including cancer, that threaten reproductive
33 capability, medical family planning treatment and procedures,
34 including supplies and followup, and informational, counseling,
35 and educational services. Comprehensive clinical family
36 planning services shall not include abortion, pregnancy testing
37 solely for the purposes of referral for abortion or services
38 ancillary to abortions, or pregnancy care that is not incident to
39 the diagnosis of pregnancy. Comprehensive clinical family

1 planning services shall be subject to utilization control and
2 include all of the following:

3 (A) Family planning related services and male and female
4 sterilization. Family planning services for men and women shall
5 include emergency services and services for complications
6 directly related to the contraceptive method, federal Food and
7 Drug Administration approved contraceptive drugs, devices, and
8 supplies, and followup, consultation, and referral services, as
9 indicated, which may require treatment authorization requests.

10 (B) All United States Department of Agriculture, federal Food
11 and Drug Administration approved contraceptive drugs, devices,
12 and supplies that are in keeping with current standards of practice
13 and from which the individual may choose.

14 (C) Culturally and linguistically appropriate health education
15 and counseling services, including informed consent, that include
16 all of the following:

- 17 (i) Psychosocial and medical aspects of contraception.
 - 18 (ii) Sexuality.
 - 19 (iii) Fertility.
 - 20 (iv) Pregnancy.
 - 21 (v) Parenthood.
 - 22 (vi) Infertility.
 - 23 (vii) Reproductive health care.
 - 24 (viii) Preconception and nutrition counseling.
 - 25 (ix) Prevention and treatment of sexually transmitted infection.
 - 26 (x) Use of contraceptive methods, federal Food and Drug
27 Administration approved contraceptive drugs, devices, and
28 supplies.
 - 29 (xi) Possible contraceptive consequences and followup.
 - 30 (xii) Interpersonal communication and negotiation of
31 relationships to assist individuals and couples in effective
32 contraceptive method use and planning families.
- 33 (D) A comprehensive health history, updated at next periodic
34 visit (between 11 and 24 months after initial examination) that
35 includes a complete obstetrical history, gynecological history,
36 contraceptive history, personal medical history, health risk
37 factors, and family health history, including genetic or hereditary
38 conditions.

39 (E) A complete physical examination on initial and subsequent
40 periodic visits.

(ab) Purchase of prescribed enteral formulae is covered, subject to the Medi-Cal list of enteral formulae and utilization controls.

(ac) Diabetic testing supplies are covered when provided by a pharmacy, subject to utilization controls.

SEC. 32. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SECTION 1. Section 1601.1 of the Business and Professions Code is amended to read:~~

~~1601.1. (a) There shall be in the Department of Consumer Affairs the Dental Board of California in which the administration of this chapter is vested. The board shall consist of eight practicing dentists, one registered dental hygienist, one registered dental assistant, and four public members. Of the eight practicing dentists, one shall be a member of a faculty of any California dental college and one shall be a dentist practicing in a nonprofit community clinic. The appointing powers, described in Section 1603, may appoint to the board a person who was a member of the prior board. The board shall be organized into standing committees dealing with examinations, enforcement, and other subjects as the board deems appropriate.~~

~~(b) For purposes of this chapter, any reference in this chapter to the Board of Dental Examiners shall be deemed to refer to the Dental Board of California.~~

~~(c) The board shall have all authority previously vested in the existing board under this chapter. The board may enforce all disciplinary actions undertaken by the previous board.~~

~~(d) This section shall become inoperative on July 1, _____, and, as of January 1, _____, is repealed, unless a later enacted statute that is enacted before January 1, _____, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).~~

1 ~~SEC. 2.— Section 1616.5 of the Business and Professions Code~~
2 ~~is amended to read:~~

3 ~~1616.5. (a) The board, by and with the approval of the~~
4 ~~director, may appoint a person exempt from civil service who~~
5 ~~shall be designated as an executive officer and who shall exercise~~
6 ~~the powers and perform the duties delegated by the board and~~
7 ~~vested in him or her by this chapter.~~

8 ~~(b) This section shall become inoperative on July 1, _____, and,~~
9 ~~as of January 1, _____, is repealed, unless a later enacted statute~~
10 ~~that is enacted before January 1, _____, deletes or extends the~~
11 ~~dates on which it becomes inoperative and is repealed.~~

12 ~~SEC. 3.— Section 1742 of the Business and Professions Code is~~
13 ~~amended to read:~~

14 ~~1742. (a) There is within the jurisdiction of the board a~~
15 ~~Committee on Dental Auxiliaries.~~

16 ~~(b) The Committee on Dental Auxiliaries shall have the~~
17 ~~following areas of responsibility and duties:~~

18 ~~(1) The committee shall have the following duties and~~
19 ~~authority related to education programs and curriculum:~~

20 ~~(A) Shall evaluate all dental auxiliary programs applying for~~
21 ~~board approval in accordance with board rules governing the~~
22 ~~programs.~~

23 ~~(B) May appoint board members to any evaluation committee.~~
24 ~~Board members so appointed shall not make a final decision on~~
25 ~~the issue of program or course approval.~~

26 ~~(C) Shall report and make recommendations to the board as to~~
27 ~~whether a program or course qualifies for approval. The board~~
28 ~~retains the final authority to grant or deny approval to a program~~
29 ~~or course.~~

30 ~~(D) Shall review and document any alleged deficiencies that~~
31 ~~might warrant board action to withdraw or revoke approval of a~~
32 ~~program or course, at the request of the board.~~

33 ~~(E) May review and document any alleged deficiencies that~~
34 ~~might warrant board action to withdraw or revoke approval of a~~
35 ~~program or course, at its own initiation.~~

36 ~~(2) The committee shall have the following duties and~~
37 ~~authority related to applications:~~

38 ~~(A) Shall review and evaluate all applications for licensure in~~
39 ~~the various dental auxiliary categories to ascertain whether a~~

1 candidate meets the appropriate licensing requirements specified
2 by statute and board regulations.

3 ~~(B) Shall maintain application records, cashier application~~
4 ~~fees, and perform any other ministerial tasks as are incidental to~~
5 ~~the application process.~~

6 ~~(C) May delegate any or all of the functions in this paragraph~~
7 ~~to its staff.~~

8 ~~(D) Shall issue auxiliary licenses in all cases, except where~~
9 ~~there is a question as to a licensing requirement. The board~~
10 ~~retains final authority to interpret any licensing requirement. If a~~
11 ~~question arises in the area of interpreting any licensing~~
12 ~~requirement, it shall be presented by the committee to the board~~
13 ~~for resolution.~~

14 ~~(3) The committee shall have the following duties and~~
15 ~~authority regarding examinations:~~

16 ~~(A) Shall advise the board as to the type of license~~
17 ~~examination it deems appropriate for the various dental auxiliary~~
18 ~~license categories.~~

19 ~~(B) Shall, at the direction of the board, develop or cause to be~~
20 ~~developed, administer, or both, examinations in accordance with~~
21 ~~the board's instructions and periodically report to the board on~~
22 ~~the progress of those examinations. The following shall apply to~~
23 ~~the examination procedure:~~

24 ~~(i) The examination shall be submitted to the board for its~~
25 ~~approval prior to its initial administration.~~

26 ~~(ii) Once an examination has been approved by the board, no~~
27 ~~further approval is required unless a major modification is made~~
28 ~~to the examination.~~

29 ~~(iii) The committee shall report to the board on the results of~~
30 ~~each examination and shall, where appropriate, recommend pass~~
31 ~~points.~~

32 ~~(iv) The board shall set pass points for all dental auxiliary~~
33 ~~licensing examinations.~~

34 ~~(C) May appoint board members to any examination~~
35 ~~committee established pursuant to subparagraph (B).~~

36 ~~(4) The committee shall periodically report and make~~
37 ~~recommendations to the board concerning the level of fees for~~
38 ~~dental auxiliaries and the need for any legislative fee increase.~~
39 ~~However, the board retains final authority to set all fees.~~

1 ~~(5) The committee shall be responsible for all aspects of the~~
2 ~~license renewal process, which shall be accomplished in~~
3 ~~accordance with this chapter and board regulations. The~~
4 ~~committee may delegate any or all of its functions under this~~
5 ~~paragraph to its staff.~~

6 ~~(6) The committee shall have no authority with respect to the~~
7 ~~approval of continuing education providers; the board retains all~~
8 ~~of this authority.~~

9 ~~(7) The committee shall advise the board as to appropriate~~
10 ~~standards of conduct for auxiliaries, the proper ordering of~~
11 ~~enforcement priorities, and any other enforcement-related matters~~
12 ~~that the board may, in the future, delegate to the committee. The~~
13 ~~board shall retain all authority with respect to the enforcement~~
14 ~~actions, including, but not limited to, complaint resolution,~~
15 ~~investigation, and disciplinary action against auxiliaries.~~

16 ~~(8) The committee shall have the following duties regarding~~
17 ~~regulations:~~

18 ~~(A) To review and evaluate all suggestions or requests for~~
19 ~~regulatory changes related to dental auxiliaries.~~

20 ~~(B) To report and make recommendations to the board, after~~
21 ~~consultation with departmental legal counsel and the board's~~
22 ~~executive officer.~~

23 ~~(C) To include in any report regarding a proposed regulatory~~
24 ~~change, at a minimum, the specific language of the proposed~~
25 ~~changes and the reasons for and facts supporting the need for the~~
26 ~~change. The board has the final rulemaking authority.~~

27 ~~(e) This section shall become inoperative on July 1, _____, and,~~
28 ~~as of January 1, _____, is repealed, unless a later enacted statute~~
29 ~~which becomes effective on or before January 1, _____, deletes or~~
30 ~~extends the dates on which it becomes inoperative and is~~
31 ~~repealed. The repeal of this section renders the committee subject~~
32 ~~to the review required by Division 1.2 (commencing with Section~~
33 ~~473).~~